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Phalguna 24, 1881 (Saka)

LOK SABHA DEBATES

Tenth Session
(Second Lok Sabha)

LOK SABHA SECRETARIAT
New Delhi

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LOK SABHA

Monday, March 14, 1960/Phalguna 24, 1881 (Saka).

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: The House will now take up questions. S.Q. No. 818. Shri Ram Krishan Gupta.

Shri Ram Krishan Gupta: Yes, I put the question.

An Hon. Member: The hon. Minister is absent.

Shri Raghunath Singh: The whole Ministry is absent.

Shri Surendranath Dwivedy: The entire Ministry is absent.

Mr. Speaker: Next question.

केन्द्रीय सूचना सेवा

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*१६. **श्री भक्त दर्शन :**
श्री राम कृष्ण गुप्त :
श्री वी० चं० शर्मा :
श्री यादव :

क्या **सूचना और प्रसारण** मंत्री १६ नवम्बर, १९५९ के तारांकित प्रश्न संख्या ८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि केन्द्रीय सूचना सेवा के निर्माण में इस बीच क्या प्रगति हुई है ?

सूचना और प्रसारण मंत्री के सभा-सचिव (श्री आ० चं० जोशी) : केन्द्रीय सूचना सेवा की स्थापना १ मार्च, १९६० से हो गई है ।

Some Hon. Members: In English also.

Mr. Speaker: Yes.

Shri A. C. Joshi: The Service has been constituted with effect from 1st March, 1960.

श्री भक्त दर्शन : श्रीमन्, क्या यह सच है कि इस नई सेवा की स्थापना हो जाने के बाद भी कर्मचारियों के वेतन-क्रम अभी तक तै नहीं हो पाए हैं । अगर ऐसा है, तो इसमें इतनी देरी क्यों हो रही है और इसका फैसला कब तक हो जाएगा ?

सूचना और प्रसारण मंत्री (डा० केसकर): यह सही नहीं है कि वेतन तै नहीं हुए हैं । जिन लोगों को सर्विस की स्केलों से ज्यादा तनख्वाह मिल रही थी उनकी स्केल किस प्रकार तै की जाये इस बारे में अभी तक निश्चय नहीं हो रहा है लेकिन औरों की स्केल का कुछ सवाल नहीं है ।

श्री भक्त दर्शन : लगभग एक वर्ष पहले इस सम्बन्ध के नियम गजट में प्रकाशित हुए थे, और उनके आधार पर सुझाव दिये गये थे । क्या उन सुझावों पर विचार करने के बाद इस सर्विस का निर्माण हुआ है, या वह सुझाव अभी तक विचाराधीन हैं ?

डा० केसकर : इस सर्विस के बारे में बहुत काफी सुझाव आए थे और उन सब पर विचार किया गया, बल्कि इसीलिये इसमें काफी देरी हुई । माननीय सदस्य को मालूम है कि ऐसा कोई परमानेन्ट काडर बनाने के लिए मुख्यतः होम मिनिस्ट्री और पब्लिक सर्विस कमीशन की जिम्मे-

दारी है और वही इस बारे में हमारा मार्ग-दर्शन करते हैं । बल्कि उनकी बात ही आखिरी फैसला होती है । तो यह मामला कई बार उनके पास गया । उनके सुझाव हमको मिले । फिर उनके अनुसार इसमें कुछ फेर बदल किया गया और अन्त में पबलिक सर्विस कमीशन की अन्तिम स्वीकृति के बाद ही यह १ मार्च से जारी की गई है ।

Shri D. C. Sharma: May I know how the salary and emoluments of the Central Information Service compare with those of the other all-India services such as the I.A.S. and the I.P.S.?

Dr. Keskar: The scales have been fixed taking into consideration the standard scales that have been laid down, and the gazette notification that has been published gives the various grades and the scales, if the hon. Member desires to have a look at them.

डा० राम सुभग सिंह : इस नई व्यवस्था की स्थापना के बाद क्या यह आशा की जा सकती है कि अन्य सभी मंत्रालयों के भी सूचना सम्बन्धी कार्य इस सेवा के अन्तर्गत आ जाएंगे ?

डा० केसकर : मैं नहीं समझता कि सूचना यानी इनफारमेशन या प्रेस के मामले में अन्य मंत्रालयों के पास कोई अफसर या कोई काम है । इस बारे में अधिकांश काम इस मंत्रालय में पहले से ही केन्द्रीभूत है ।

Shri Joachim Alva: What is the latest position? May I know whether the doors of the Central Information Service are kept open to able and hard-working young men to be absorbed in the Foreign Information Service, especially since the Foreign Information Service is lacking in dynamism and up-to-date-ness?

Dr. Keskar: I have not understood what the hon. Member means by Foreign Information Service.

Shri Joachim Alva: I want to know whether the doors have been kept open for them to be absorbed in the Foreign Service.

Dr. Keskar: I have nothing to do with the Foreign Service.

श्री त्यागी : यह जो तमाम मिनिस्ट्रियां आजादी के साथ अपने अपने तरह तरह के अखबार वगैरह बहुत सारे निकाल रही हैं क्या उन पर भी कुछ कंट्रोल इस सर्विस का हो जाएगा, या तमाम मिनिस्ट्रीज आजादी से अपने अपने अखबार अलग निकालती रहेंगी ?

डा० केसकर : इस सरविस का अखबारों से ऐसा कोई सीधा सम्बन्ध नहीं है । बल्कि प्रेस और पबलिसिटी के सम्बन्ध में जो इस मिनिस्ट्री के अफसर इस मिनिस्ट्री के भिन्न भिन्न यूनिट्स में थे उन सब का एकीकरण इस सर्विस में किया गया है ।

श्री अ० मु० तारिक : क्या मैं जान सकता हूं कि इस सर्विस के बनने से बहुत से अफसरों की सीनियारिटी पर असर पड़ गया है और बहुत से अफसर जो पहले सीनियर थे वह कुछ अफसरों से जूनियर हो गए हैं ?

[شری - اے - ایم- طارق: کیا میں جان سکتا ہوں کہ اس سروس کے بننے سے بہت سے افسروں کی سینیارٹی پر اثر پڑ گیا ہے - اور بہت سے افسر جو پہلے سینیر تھے وہ کچھ افسروں سے جونیر ہو گئے ہیں ؟]

डा० केसकर : यह हो सकता है कि कोई अफसर किसी छोटे से यूनिट में था और वहां उसकी खास सीनियारिटी रही हो और इस सर्विस में आने के बाद वह किसी और से कम सीनियर हो गया हो । लेकिन इन सब मामलों में होम मिनिस्ट्री और पबलिक सर्विस कमीशन के नियमों के अनुसार सीनियारिटी

निश्चित की जाती है और उसका अनुसरण हमें करना पड़ता है ।

श्री सिंहासन सिंह : क्या यह सर्विस उसी प्रकार रहेगी जिस प्रकार कि इंडियन रेलवे सर्विस है जिसमें आई० ए० एस० और आई० सी० एस० का कोई कंट्रोल नहीं है और सारे डिसीशन रेलवे वाले ही करते हैं या कि यह सर्विस आई० ए० एस० और आई० सी० एस० के कंट्रोल में रहेगी ?

डा० केसकर : इस सर्विस के बारे में गजट नोटिफिकेशन में सब चीजें दी गई हैं । लेकिन मैं एक दो लाइनों में इस सर्विस के बारे में बता देना चाहता हूं ।

Posts requiring journalistic publicity and public relations experience in the various organisations of the Ministry have been encadred in this Information Service.

खास काम के लिए ही जो अफसर हैं उनको इस कैडर में सम्मिलित किया गया है और इसमें आ नहीं सकते ।

Shri Ram Krishan Gupta: May I know how much additional expenditure will be required for the implementation of this scheme?

Dr. Keskar: That is not easy for me to calculate. The additional expenditure will only be from the long-range point of view, in the sense that when these people get their pensions etc., Government will have to pay them extra. That has been worked out in a broad way by the Ministry of Finance, but it will not be possible for me to say what it is just now.

श्री भक्त दर्शन : मैं जानना चाहता हूं कि क्या इस व्यवस्था के सम्बन्ध में अन्तिम निश्चय हो चुका है, या यह कि अगर इसमें कुछ कठिनाई अनुभव हो और कुछ सुझाव दिए जायें तो उन पर विचार किया जा सकेगा ?

Shri D. C. Sharma: We shall have a half-an-hour discussion.

डा० केसकर : हो सकता है कि कुछ अधिकारियों को जो इसमें सम्मिलित किए गए हैं उनको अपनी सीनियारिटी की स्थिति के बारे में असंतोष हो, उनको रिप्रेजेंटेशन देने का अधिकार है और वह रिप्रेजेंटेशन अपनी टीका के साथ मिनिस्ट्री पब्लिक सरविस कमीशन के पास भेजेगी जिनका निर्णय अन्तिम होगा ।

Re. Q. No. 818

Mr. Speaker: Now, I shall go back to S.Q. No. 818.

Shri Manubhai Shah: Sir, I must apologise to you and to the House for having been late by a few minutes because my car got into a jam near the Queensway.

Shri Khushwaqt Rai: Holi crowd?

Shri Raghunath Singh: The hon. Minister has come late because of that, but what about the other Ministers in his Ministry?

Small and Medium Scale Industries

***818. Shri Ram Krishan Gupta:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 474 on the 1st December, 1959 and state at what stage is the question of liberalising assistance to small and medium scale industries?

The Minister of Industry (Shri Manubhai Shah): A statement is placed on the Table of the House.

STATEMENT

The question of liberalisation of terms and conditions of loans to small and medium industries has been constantly under review and wherever

possible the rules are being simplified or liberalised. Most of the State Governments have already liberalised the terms and conditions for loans under the State Aid to Industries Act rules by which small industrialists can obtain loans up to 75 per cent. of the value of security offered. The rate of interest for loans to Industrial Co-operatives is 2½ per cent. and 3 per cent. to small industrial units for loans up to Rs. 25,000. Arrangements are being finalised for the introduction of a Credit Guarantee Scheme through the agency of the Reserve Bank of India by which institutional credit agencies will be encouraged to advance loans on a larger scale to small industries.

Shri Ram Krishan Gupta: In reply to the previous question, it was stated that the scheme for guaranteeing bank advances to small-scale industries undertakings had been prepared. May I know whether it has been finalised and approved, and if so, the main features of that scheme?

Shri Manubhai Shah: This scheme is called the Credit Guarantee Scheme. As far as the Government of India are concerned, they have already sent their approval to the Reserve Bank of India and the State Bank of India. Under this scheme, all the small-scale industries will get extra credit by about 20 per cent., that is, their margin will be lowered, and the losses thereof will be shared by the Central Government to the extent of Rs. 75 lakhs per year, for 21 districts in India, to begin with.

Shri Ram Krishan Gupta: In the statement, it is mentioned that some of the States have simplified and liberalised the rules. May I know the names of such States?

Shri Manubhai Shah: Many of the States have done it. As a matter of fact, now there are only one or two States left where further liberalisation has not yet been accepted. But in most of the cases, they have accepted all our recommendations.

Ancillary Industries

***820. Shri Harish Chandra Mathur:** Will the Minister of **Commerce and Industry** be pleased to state;

(a) whether public enterprises have set up or propose to set up ancillary industries; and

(b) if so, the number and nature of such industries?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table of the House.

STATEMENT

(a) Yes, Sir.

(b) Three small scale ancillary units are being set up to function as perpetual feeders of components and parts required by M/s. Hindustan Machine Tools Ltd., Bangalore. Possibilities of developing more ancillaries for this unit are being explored.

An Industrial Co-operative Society for women has been formed to work as ancillary for execution of certain works like cable forming, transfer printing, sign writing, carton making etc. to be given to it by M/s. Indian Telephone Industries Ltd., Bangalore.

Two small units are expected to be set up shortly as ancillaries to the National Instrument Factory, Calcutta. One of the ancillary units will manufacture wooden parts required in the instruments produced by the large unit and the other would produce jigs, fixtures and tools.

Shri Harish Chandra Mathur: It is obvious from the statement that a very negligible effort has been made in this direction. May I know whether the potentialities for the development of small scale ancillary industries have been assessed so far as the public sector is concerned? If so, what positive steps are being taken in this direction? Have any instructions been issued?

Shri Manubhai Shah: Firstly, the establishment of public enterprises itself was a major objective. The establishment of industries ancillary to these public sector projects could only be considered as of secondary importance. Therefore, I am pleading with the hon. Member to see that the public sector projects—of these heavy industries—are first established in a real, sound, commercial and profitable way. Then we have also issued instructions, and the Co-ordination Committee for public sector projects has passed a resolution to the effect that every big industry in the public sector should enable small satellite industries to grow round it. I am glad to inform the House that a provision of Rs. 25 lakhs is sought to be made for the year 1960-61 for helping the establishment of ancillary industries round the different public sector projects.

Shri Morarka: May I know whether these ancillary industries would be started by Government or they would encourage people in the private sector to start them?

Shri Manubhai Shah: Only by the private industries in the small scale sector. Government would not put up these ancillary industries, because they are only concerned with the large sized public sector projects.

Shri Harish Chandra Mathur: In view of the Government's definite policy that ancillary industries may be set up in the depressed and backward areas, may I know if any effort has been made by this time, and if any ancillary industry has been established in backward areas or is proposed to be established?

Shri Manubhai Shah: As far as ancillary industries round the public sector projects are concerned, they will be in the nature of satellite industries round about the public sector projects themselves, because the staff has to give technical guidance to the small scale industries. The other question of the hon. Member about the growth of ancillary and small scale industries in the backward areas of the country is very relevant and of great importance. Therefore, in the meeting of the Small Scale Industries Board at Puri and recently in Delhi, as the hon. Member already knows, we have laid great emphasis on dispersal of small industries in backward areas.

Dr. Sushila Nayar: There are some bigger industries in the private sector also, and there is a trend that these people want to set up ancillary industries also for themselves. What steps have Government taken to see that the ancillaries are set up by people in the small scale industry sector so as to provide larger employment?

Shri Manubhai Shah: That is precisely the policy of Government. As a matter of fact, one of the very revealing analyses made by the Jha Committee on the very important automobile ancillary industry has clearly shown that even now manufacturers do not make many of the small scale items themselves. The analysis shows that even today more than 60 per cent. of the ancillary requirements are bought by most of the major units, and it is our definite national policy to see the same person who puts up the big industry does not go into the ancillary industry as far as possible.

Shri Ramanathan Chettiar: What is the type of assistance Government will render to such of those ancillary industries as are likely to be set up in the private sector?

Shri Manubhai Shah: As it is, the National Small Scale Industries Corporation gives 80 per cent. loan. Again, for educated young men with engineering and technical qualifications, the new scheme is to give 95 per cent. loan with only 5 per cent. capital being put in by the educated entrepreneur. Over and above that, the new scheme of credit guarantee, which will perhaps revolutionise the whole

credit structure of the small scale industry, has also been introduced. Besides, we have got the Service Institutes and technological services assistance and training programmes.

Shri Narasimhan: Have Government considered the advisability of appointing a small special committee to advise entrepreneurs on this subject?

Shri Manubhai Shah: One committee cannot advise all the units in a federal country of the size of India. We have more than 89 extension centres and 14 Small Service Institutes in the States and perhaps during the Third Plan, there will be more than 300 industrial estates and likewise large number of extension centres.

Shri Harish Chandra Mathur: In view of the fact that in spite of the continued effort by the Ministry, the large scale industry in the private sector has not taken up the idea of encouraging ancillary industries, may I know what positive steps Government have taken in the matter, and whether they propose to give the lead so far as the public sector is concerned?

Shri Manubhai Shah: Firstly, I would disagree with the assumption implied in the question that the big industries in this country have not started ancillary or small scale industries. The analysis does not indicate that. As a matter of fact, hundreds and thousands of small scale industries are springing up all over the country. If there is any major bottleneck in the way of the small scale and ancillary industries today, it is the acute shortage of raw material, components and the foreign exchange requirement thereof. But all our efforts today are bent on seeing that the public and private sector projects manipulate and reorient themselves to the promotion of ancillary industries, particularly satellites attached to all the large scale projects.

Shri Ajit Singh Sarhadi: Is any legislative or other measure contemplated to ensure that the bigger units must take their components from the small scale industry sector?

Shri Manubhai Shah: As it is, under the Industries (Development and Regulation) Act and according to the licensing policy in the country, we have sufficient powers. Reservation of a statutory nature could be considered, but experience the world over in industrialisation goes to indicate that legislative measures are not so helpful as promotional measures. Therefore, our positive directives and directions in the matter of licensing have been to promote the establishment of these industries in the small-scale ancillary sector.

Tin Plates

*821. **Shri Morarka:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that tin plates are issued to quota-holders regularly; and

(b) whether any enquiry is made before the issue that all these quota-holders have been running factories?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Allocation of tin plates is done quarterly to factories on the basis of their approved capacities. Factories are required to furnish monthly returns. For those that fail to furnish the returns their quotas are suspended.

Shri Morarka: Have Government received any complaint to the effect that some of the factories do not actually use these tin plates to manufacture anything, but sell the quota given to them to other manufacturers at an exorbitant price?

Shri Manubhai Shah: Broadly, complaints have not been received. As a matter of fact, the container industry today is in a very flourishing state, and everyone wants to utilise the quota allotted to him. But there are some few cases always in the case of these scarcity materials where this

happens, and we take the strictest possible action when cases are brought to our notice.

Shri Morarka: May I know the total requirements of tin plates in the country as against the total supply available?

Shri Manubhai Shah: Our present estimates of requirement are 1,50,000 tons against which we get 85,000 to 90,000 tons.

Shri Heda: May I know whether it has been brought to the notice of the hon. Minister that with a view to overcome the legal difficulty, some of these quota-holders just twist the corners of these plates and pass them on as if they have processed the material?

Shri Manubhai Shah: That does not happen in tin plates. It happens in the case of mild sheet plates and black sheets. They try to pass on as defective material, the good sheets by turning the corners, but we take severe measures whenever cases are brought to our notice.

Shri Chintamoni Panigrahi: May I know whether Government has anything due from the Tin Plate Dealers' Association in Delhi and also other quota-holders?

Shri Manubhai Shah: It has been the fate of the Ministry of Commerce and Industry to receive continuous complaints from people concerning shortage in all these basic raw materials.

Shri Chintamoni Panigrahi: My question is whether Government has to receive any amount due from the Tin Plate Dealers' Association in this country for material supplied.

Shri Manubhai Shah: Firstly, there is no all-India tin plate dealers' association as such. But there are local organisations which have been representing to us. I have several times informed the hon. House that there is acute shortage of all these materials and so they do complain of shortages.

Shri Morarka: What is the total number of units which require these tin plates and are actually using them for making tin containers?

Shri Manubhai Shah: About 350 in the large scale sector, but in the small scale sector there are many more units.

Manufacture of Radios

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*822. { **Shri Ajit Singh Sarhadi:** / **Shri Pangarkar:**

Will the Minister of **Commerce and Industry** be pleased to state:

(a) the extent to which India has become self-sufficient in the manufacture of radio sets and radio spare parts upto the end of 1959; and

(b) the time by which India will be self-sufficient in this matter?

The Minister of Industry (Shri Manubhai Shah): (a) India is already self-sufficient in the manufacture of radio-sets. Therefore, there has been a total ban on imports of radios since October, 1957. However, some parts and components to the extent of 35-40 per cent. of the ex-factory value of a radio are allowed to be imported.

(b) It is expected that in these parts and components also, we are expected to be self-sufficient by the end of the Third Five Year Plan.

Shri Ajit Singh Sarhadi: May I know what steps have been taken to accelerate self-sufficiency in these component parts which are being imported?

Shri Manubhai Shah: As a matter of fact, all our service institutes have been alerted for the last two years and they have accomplished very good results in sponsoring, both in the small scale and medium scale sectors, the manufacture of all the components and parts of radios. That is why we have expressed the hope with confidence that by the end of the Third Five Year Plan, in spite of the growing demand for radio receivers

in the country both in the valve type of radios and the transistor type of radios, we may be able to be self-sufficient by the end of the Third Plan.

Shri C. K. Bhattacharya: May I know whether there is any scheme for manufacturing cheap radio sets?

Shri Manubhai Shah: We have considered a scheme only the other day with the Information and Broadcasting Minister; and we are coming to conclusions very shortly to have cheap radio sets, both of the valve type and of the transistor type, so that we can give to the country, as far as possible, cheap radio sets within the price range of Rs. 150 and less for a radio receiver.

Shri C. D. Pande: Are the Government aware that the transistor radios are getting very popular and that there is no manufacturer in this country who manufactures transistor radios? Will Government take steps to see that this is attended to?

Shri Manubhai Shah: During the current year, in the licencing policy we have permitted all the radio receiver manufacturers, who are about 49 in number, to manufacture 25 per cent. of the radios on the transistor side; and, we hope that about a lakh of transistors will be built in the next year.

Shri Sadhan Gupta: Is it the policy to license units to manufacture whole radio sets or to license units manufacturing different parts and collaborating between themselves?

Shri Manubhai Shah: The latter portion of the question is the policy. That is, we have the policy, firstly, to make everything in India as far as the components and the whole structure are concerned. But, generally, the large-scale man assembles, and buys the components from the small scale and ancillary industry. On that policy, we are working; nowadays, the small scale producers are coming up to produce the components and parts thereof.

Re. Q 824

Mr. Speaker: Q. 824, Shri Rameshwar Tantia. Absent.

Shri Raghunath Singh: This is a very important question and this may be taken up, Sir.

Mr. Speaker: I am sorry. Hon. Members who table questions do not care to be present; nor even do they authorise others to ask the questions. This has become a regular feature. I am not going to allow this.

Sale of Scooters

*825. **Shri A. M. Tariq:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 883 on the 15th December, 1959 and state:

(a) whether it is a fact that the firms in Delhi dealing in scooters have not adhered to the target date of 31st December, 1959 for the refund of money deposited with them by all the intending purchasers of scooters;

(b) if so, the reasons therefor; and

(c) the action taken thereon?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). A statement is laid on the Table of the House.

STATEMENT

As stated in reply to Starred Question No. 883 on 15-12-1959, Government had issued instructions to the scooter manufacturers to see that all advances taken in the past were refunded before the 31st December, 1959. The manufacturers, in turn, issued instructions on these lines to their dealers on the 22nd December, 1959. It was, therefore, not possible for the dealer in Delhi, with whom the number of orders booked amounted to about 3,600, to refund all the deposits by the target date. However, the dealer is reported to have taken immediate action, got a circular letter printed and issued it to all those concerned, requesting them to collect the cheque any time

during working hours on week days. They could not issue more than 200 letters a day. As some letters were received back by them un-delivered, they even put an advertisement in the papers on 1st February 1960 to ensure that all got the intimation.

The position, as on 23-2-60, as ascertained from the dealer, is that about 800 had not collected their cheques which were lying ready for collection. Quite a few had even written back to them that they did not want the deposits back.

Government are satisfied with the various steps taken by the dealer in Delhi to refund the deposits as expeditiously as possible.

श्री अ० मु० तारिक : पिछले इजलास में इस सवाल के जवाब में कहा गया था कि दिसम्बर के आखिर तक पैसे वापस कर दिये जायेंगे । लेकिन बहुत से केसेज में यह पैसे वापस नहीं किये गये हैं । मैं जानना चाहता हूं कि इस सिलसिले में हुकूमत ने क्या कदम उठाये ।

[شری اے - ایم طاریق : پچھلے اجلاس میں اس سوال کے جواب میں کہا گیا تھا کہ دسمبر کے آخیر تک پیسے واپس کر دئے جائیں گے - لیکن بہت سے کیسیز میں یہ پیسے واپس نہیں کئے گئے ہیں میں جاننا چاہتا ہوں کہ اس سلسلہ میں حکومت نے کیا قدم اٹھائے -]

श्री मनुभाई शाह : पहले तो मैं यह अर्ज करना चाहता हूं कि उन का इतनी छोटी सी बात पर बार बार यह सवाल उठाना बहुत तकलीफदेह होता है । बहुत कुछ पैसा हमने वापस करवा दिया है । उस में कारण भी दिया है । जिन ८०० आदमियों का पैसा अभी वापस नहीं किया गया है, उस का एक्स्प्लेनेशन दिया गया है । वह इतना सन्तोषजनक है कि उस पर और कार्रवाई करने की जरूरत नहीं है ।

Shri Vidya Charan Shukla: May I know if various complaints have been received by Government, after this order abolishing the system of taking advances from the people for scooters, that lots of spurious orders have been booked with the scooter dealers and genuine people's requirements are being pushed far behind so that they have no chance of getting scooters even for years?

Mr. Speaker: What is the question?

Shri Vidya Charan Shukla: I want to know whether complaints have been received and what Government propose to do in the matter.

Shri Manubhai Shah: This is a question of cause and effect. When we started taking deposits, people objected to taking deposits; when we withdrew taking deposits, naturally, representations come that deposit system should be re-introduced. On the whole, we felt that for an item like this the deposit system was of no value; and, therefore, we have decided to withdraw the system. For meeting the requirements of scooters, as I have laid statements before the House, we have licensed two more units and one more is under consideration and the present production has exceeded the Second Five Year Plan target by about 50 per cent. And, we hope that the demand of the country will be met in the next 2 or 3 years.

Indian Traders in Burma

*829. **Dr. Ram Subhag Singh:** Will the **Prime Minister** be pleased to state:

(a) the number of Indian traders in Burma whose firms have been de-registered;

(b) the criteria followed by the Burmese Government for de-registering those firms; and

(c) whether those traders have requested the Government of India to help protect their interests by approaching the Government of Burma?

The Parliamentary Secretary to the Minister of External Affairs (Shri

Sadath Ali Khan): (a) As far as we are aware, 169 Indian firms have been de-registered.

(b) It had come to the notice of the Government of Burma that a large number of traders—both local and foreigners—were merely dealing in import licences rather than in imported goods. A questionnaire was sent by them during 1955 to all registered importers asking for detailed information as to their business activities. On the basis of this questionnaire and after further investigations where necessary a number of local as well as foreign firms were de-registered.

(c) Only two de-registered Indian firms have so far approached the Indian Embassy and their cases have already been taken up with the authorities concerned.

Dr. Ram Subhag Singh: In the reply, it has been stated that on the basis of the questionnaire, a number of local as well as foreign firms were de-registered. Amongst them 169 are Indians. May I know the number of local firms, that is, Burmese firms, which have been de-registered?

Shri Sadath Ali Khan: The number of Burmese firms de-registered is 1,429 out of 1,682 firms including Chinese and European limited companies.

Shri Chintamoni Panigrahi: May I know whether Government have received any requests from the Indian nationals in Burma about their difficulties? If so, may I know, whether the Prime Minister had any discussion with U Nu, recently, to remove these difficulties of the Indian nationals in Burma?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): We have, from time to time, received representations; our Ambassador in Rangoon has received them and they are dealt with accordingly. I do not know to what particular matter the hon. Member is referring.

Mr. Speaker: The hon. Member wants to know whether the Prime Minister had any talks with U Nu.

Shri Jawaharlal Nehru: That is not specific, Sir.

Shri Chintamoni Panigrahi: The Indian nationals in Burma are paying Rs. 50 for registration.....

Mr. Speaker: Why all this?

Shri Chintamoni Panigrahi: The Prime Minister wanted a specific question.

Mr. Speaker: From time to time, I believe, representations are received and are being attended to. For many years they have done this. The hon. Member ought not to go on asking general questions. He asked about U Nu. The Prime Minister has replied; and the hon. Member goes on to general questions. Shri Hem Barua.

Shri Hem Barua: May I know whether it is a fact that the Indians in Burma are facing difficulties mainly in the matter of renewal of stay permits as also in the matter of registering themselves as citizens there? This complaint has been going on for a good number of years. May I know whether the Prime Minister or the Government of India have taken any steps to remove these difficulties of Indians in Burma—specially with the Burmese Government?

Shri Jawaharlal Nehru: I have just said that they have to face many difficulties, also changed conditions and rules and regulations in Burma. Not only they, but also other foreign nationals and also Burmese nationals. We take up each such case with the Government of Burma; we cannot remove any difficulty. Our Ambassador takes it up and tries to get such difficulties removed in so far as is possible.

Shri Chintamoni Panigrahi: Does the Government of India propose to sign any new emigration agreement with the Government of Burma for removing the difficulties of the Indian nationals?

Mr. Speaker: I am not going to allow it. Everything can arise out of a question. But it must be limited to the scope of the question.

Price of Jute

*830. **Shri Hem Barua:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that there has been a steep increase in the price of jute which is causing perturbation in jute markets, particularly in the Calcutta markets;

(b) whether it is also a fact that the commodity will be in much shorter supply this year; and

(c) if so, what steps Government propose to take or have already taken to meet the situation?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) to (c). A steep rise in the price of jute was noticeable in December 1959 due largely to undesirable speculative activity based on some apprehensions regarding possible shortage of supplies this year. Government soon took steps to assure all concerned that there was no justification for such apprehensions and that supplies during the current year would be adequate to fully cover the industry's requirements. Government also allowed import of 2 lakh bales of jute cuttings from Pakistan. Since then, the prices have been coming down.

Shri Hem Barua: May I know whether it is a fact that mark-up of thirty per cent is added to the cost of jute by the United Kingdom and if so, whether our Government have taken it up with the U.K. Government so as to reduce this mark-up? Formerly, it was 40 per cent and as a result of the Union Government's representations and discussions with the representatives of the UK, it was reduced by ten per cent.

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): This matter is still under discussion and our Commercial Representative in our U.K. Embassy has taken up this matter with the U.K. Government and it is still under discussion.

Shri Hem Barua: May I know whether it is a fact that a new market for our carpet is growing in U.K., U.S.A. and Canada and if so what steps have the Government taken to meet the growing demand in those areas by having the required looms and that sort of things?

The Minister of Industry (Shri Manubhai Shah): About jute carpets, we have surveyed the markets recently and have licensed three new broad looms in a Kanpur mill to see what categories we can manufacture to cater to these growing markets.

Shri Aurobindo Ghosal: May I know if, in spite of the decrease in the price of jute, the jute mills have had huge profits last year and the percentage of profit earned on the finished produce is much more than the percentage of increase in the price of raw jute?

Shri Manubhai Shah: That assumption would not be sustained by an actual examination of the balance sheets. The fluctuations in the price of jute are so erratic that any such comparison would be rather incorrect.

Shri P. G. Sen: Is it a fact that the prices of raw jute have gone down by 30-40 per cent and that at present the price is Rs. 20-25 less than the cost of production? May I know if it is a fact that the Jute Mills Association is not purchasing jute and the cultivators are not getting their dues?

Shri Manubhai Shah: As far as the purchase of jute is concerned, the IJMA—Indian Jute Mills Association—and their units have more than 3-4 months stock, which is the usual market stock. We have asked them to purchase one month's stock more, in order to balance the situation.

Shrimati Renu Chakravartty: In view of the fact the President of the IJMA has in his report stated that this year's trade in jute has hit record targets, may I know whether there is a proposal to unseal the looms which

have been sealed for sometime so that production can go up?

Shri Lal Bahadur Shastri: I have myself in fact advised the IJMA in the export promotion council meeting to unseal the looms which are sealed. The hon. Member might be aware that 12.5 per cent were sealed and they have now reduced it to 10 per cent. It is difficult to say whether they will further release the looms. But the Government has already taken up this matter with IJMA and they are, I presume, considering over this.

Shrimati Renu Chakravartty: There is a record rise in the sale of jute goods. Is it stable and if so, what are the reasons for the substantial rise and will this be maintained in the coming year?

Shri Lal Bahadur Shastri: It is difficult to say whether it would be a permanent feature. In the matter of exports, we cannot say anything in a guaranteed way. The competition in the world market is almost daily increasing and we will have to put in our best efforts to maintain the present exports.

Shri Tridib Kumar Chaudhuri: What has become of the proposals that were set afoot last year for the purchase of jute by Government purchasing organisations and co-operative societies? Is that scheme also in active operation now so that the prices may be maintained?

Shri Lal Bahadur Shastri: The prices had gone down considerably last year and therefore, the STC also entered the field. This year the prices are on the whole reasonable and the grower has not suffered so far. We have advised and requested the State Governments of Bihar, Bengal, Assam, etc. to organise co-operative societies and especially organise apex co-operative societies in order to help the growers.

Shri Hem Barua: May I know whether it is a fact that peak orders are reported from China in the London market of jute ranging even to ten times the average consumption of jute in that country during recent years and if so, what steps are Government taking to meet a substantial portion of this demand?

Shri Manubhai Shah: I think this question came up before the House and we informed the House that the purchases last year were phenomenally more than the previous year and the current demand may also be on the increase.

Shri P. G. Sen: I understand that the mills were asked to stock their jute requirements for 4-5 months. May I know what is the position of their stock now?

Shri Manubhai Shah: That is a constant feature. What I have urged before the House was that as a general policy the IJMA, in consultation with the Government, has been holding stocks for 4-5 months. In order to further help the grower we have asked them to stock for a month more.

Medium and Small Fertilizer Factories

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*834. **Shri Rami Reddy:**
Shri Damani:
Shri S. A. Mehdi:
Shri P. G. Deb:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any State Government has come forward for the establishment of medium and small fertilizer factories;

(b) if so, the names thereof;

(c) whether any applications from the Private Sector have been received for the establishment of such factories;

(d) if so, how many and from whom; and

(e) the action taken thereon?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) No, Sir.

(b) Does not arise.

(c) Yes, Sir.

(d) and (e). One application was received from M/s. East India Distilleries Ltd. and a license has already been issued to them under the Industries (Development and Regulation) Act.

Shri Rami Reddy: What is the capacity of this factory and what is its estimated cost?

Shri Satish Chandra: The capacity is 8250 tons of nitrogen to be produced in the form of 51,480 tons of ammonium phosphate.

Shri Rami Reddi: In view of the fact that the setting up of medium and small fertiliser factories facilitates the timely distribution of fertilisers and also saves the transport charges and other things also, is the Government considering the setting up of small and medium fertiliser factories throughout the country?

Shri Satish Chandra: All proposals that we may receive for setting up small and medium or big fertiliser factories from the private sector will be very sympathetically considered by the Government.

Shrimati Renuka Ray: What steps have the Government of India taken to encourage the State Governments to set up small and medium fertiliser factories in view of the fact that there is so much demand for fertilisers and also that the small factories would give quick results?

Shri Satish Chandra: We are very anxious to set up as many fertiliser factories as possible and any proposal from the State Government or the private sector will be welcome.

Shrimati Renuka Ray: I wanted to know something concrete. Has the Government of India made any specific proposal in this regard that it will give so much help if the State Governments start such factories?

Shri Satish Chandra: The resources of the State and the Central Governments are indicated in the Plan. Certain State Governments have taken interest in this regard. The Fertiliser and Chemicals of Travancore is a State Government enterprise. There are such enterprises for production of fertilisers in Andhra and Mysore. There is also a proposal for setting up a fertiliser factory at Durgapur. If the State Governments want to participate, we shall welcome it. We have been asking them to participate.

Shrimati Renuka Ray: What is the Plan provision? Vaguely to say that the State Governments are encouraged is not sufficient. I would like to know whether specific schemes are sent? What is the provision for the next year or this year?

Shri Satish Chandra: There was provision for the expansion of Travancore Fertiliser and Chemicals in the Second Plan. The Third Plan is under consideration at present. Recently the Andhra Pradesh Government has been licensed to set up a big fertiliser factory with a capacity of 80,000 tons of nitrogen. Any other proposal would be welcome, but it is for the State Government to take up the matter with the Planning Commission and get financial allocation made for that purpose.

Shri S. A. Mehdi: Will the fertiliser factories that exist now and the big factories that are coming up be able to meet the needs of the country; if not, may I know what is the hindrance in sponsoring medium and small fertiliser factories?

Shri Satish Chandra: The demand for nitrogenous fertilisers in terms of fixed nitrogen was estimated by the working group at 1·2 million tons. The Planning Commission is thinking at present in terms of setting up capacity in the Third Five Year Plan for one million tons, out of which the allocations in the public sector are being made for a total capacity of 8,00,000 tons and the rest 2,00,000 tons will be left to the private sector

or to the share of the private sector in state enterprises.

Shri Achar: The hon. Deputy Minister was pleased to say that there was only one application from the private sector. When there is such a great demand for fertilisers, how is it that other people from the private sector are not coming forward, and may I know whether the Government will do anything in this matter?

Shri Satish Chandra: I said, Sir, there was an application for a small factory from the East India Distilleries Ltd., and that application has been licensed. We can only ask the private enterprise to put up proposals. If no proposals come to us we have to encourage them to come to us. We cannot consider a thing in vacuum.

Mr. Speaker: The hon. Member wants to know why only one application has been received. If there are any special handicaps in the way of private agents coming forward, he wants to know what they are and how they can be removed.

Shri Satish Chandra: The large-scale factories require a very large capital, about Rs. 25 crores to Rs. 30 crores, and the private sector has not been persuaded so far—we expect that they will come forward in future—to invest that much money for establishing fertiliser factories. The smaller factories are not always economic. When larger factories are set up, the smaller factories can be profitable only under certain conditions, and these are being considered by the private entrepreneurs.

Shri Goray: May I know what other States besides Andhra Pradesh have indicated their willingness to set up a fertiliser factory?

Shri Satish Chandra: None so far, as far as nitrogenous fertiliser factories are concerned; of course, super-phosphate factories are spread out in various States and are mostly in the private sector.

Shri Thanu Pillai: What is the capacity of a small-scale factory, and what is the capital involved?

Shri Satish Chandra: There is no fixed capacity. Our nitrogenous fertiliser projects have at present the capacity of 70,000 tons, 80,000 tons or 90,000 tons of fixed nitrogen. The proposal of the East India Distilleries Ltd., was for a factory with a capacity of 8250 tons of nitrogen. We call it a small factory. It is only a question of classifying them on the basis of their comparative capacity.

Shri Thanu Pillai: What is the capital outlay?

Mr. Speaker: He said that the capacity will be about 80,000 tons.

Shri Thirumala Rao: Are there any conditions imposed by Government on the private sector with regard to cost of production, profits and other details which deter them from coming actively into the field?

Shri Satish Chandra: It is not so. There is, of course, a fertiliser pool operated by the Ministry of Food and Agriculture to which all nitrogenous fertilisers have to be handed over for distribution all over the country. No other conditions are imposed on them. It is for them to study the economics and come forward with the proposal.

Shri T. B. Vittal Rao: What is the estimated cost of the factory that is being put up by Messrs. Parry and Company near Vijayawada? May I know whether any foreign exchange has been allotted to them?

Shri Satish Chandra: The cost of this factory in Madras is about Rs. 3 crores to Rs. 4 crores, and the foreign exchange component will be about 50 per cent.

Shri Ramanathan Chettiar: In the course of replies to supplementaries the hon. Minister said that Rs. 25 crores will be required for putting up a factory. This question relates to medium and small-scale industries. Are we to understand that for a

medium industry Rs. 25 crores will be required?

Mr. Speaker: With a capacity to produce 80,000 tons.

Shri Satish Chandra: For a fertiliser factory with a capacity to produce 70,000 tons of fixed nitrogen the estimated capital expenditure is in the region of Rs. 25 crores. As far as the project of Messrs. Parry and Co., is concerned, the investment is only Rs. 3 crores to Rs. 4 crores.

Shri S. C. Samanta: May I know whether the amount allocated for the establishment of fertiliser factories during the Second Plan period has been spent; if not, how much money is left for it?

Shri Satish Chandra: Work on all the schemes under the Second Five Year Plan has been started and they are being implemented. They shall all go into production by the end of 1962. All the money is being utilised.

Forward Market Commission

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*835. { **Shri P. R. Patel:**
Shri Fateh Singh Ghodasar:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the representative of the Forward Market Commission attended the Bombay Oilseeds and Oil Exchange Board's meeting as a member and took part in the deliberation regarding the negligence of duty by the Secretary of the Board; and

(b) whether it is also a fact that the representative member handed over a letter which he carried with him when the Board was about to record its conclusion and thus encroached on the democratic functioning of the Board?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir. An officer of the Forward Markets Commission, who is the Government's nominee on the Board of Directors of the Bombay Oilseeds and Oils Exchange, attended the meeting.

(b) A direction issued by the Forward Markets Commission, within its due powers was delivered by him to the President at the Board meeting; there is therefore no question of any improper encroachment on the functioning of the Board.

Shri P. R. Patel: The Exchange is a democratic autonomous body, and the Memorandum and Articles of Association are sanctioned by the Government. Clause 76 of the Articles of Association gives powers to the Board to suspend, dismiss or punish a Secretary or any other officer of the Exchange.

11.47 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

The Government would get the power under Section 28 of the Forward Contracts Regulation Act, 1952. I want to know how under clause 28 of the Act the Government derives the power. Further more, I want to know how the Government derives the power to issue such directives. I also want to know.....

Mr. Deputy-Speaker: All put together in one question? How will it be possible to answer? Then, he is discussing law.

Shri P. R. Patel: I will put my second question later on. May I know whether it is in consonance with our Constitution for the Govenment to issue a directive for the internal working of a democratic autonomous body?

Mr. Deputy-Speaker: That would be an expression of opinion only, not asking for information. Does he want to put any other question?

Shri P. R. Patel: The directive has been issued under the rules. May I know whether the rules have been framed under the Act? May I know whether such a directive can be issud by a Commission?

Shri Satish Chandra: The directive was issued by the Commission in exercise of the powers conferred under the Act. This particular association is one of the 17 associations recognised in the country for carrying on forward business in oils and oilseeds. Gross irregularities took place there. A directive of the Commission was withheld by the Secretary for four days and not passed on to the trade. The Board of Directors of this Exchange appointed an enquiry committee which came to the conclusion that while the information was passed on to some privately, it was not given to others. It was a very serious matter in which profits and losses could be incurred by large number of traders and the Forward Market Commission exercised its power which was duly conferred upon it by the Act.

Shri Tyagi: Is it not a fact that the Government recently issued some instructions with regard to forward trading in which they have said that certain percentage has to be deposited before any forward transaction takes place? Was it with regard to that order that the secretary suppressed it and gave information to a few members of this association who piled wealth by buying a number of shares in the forward markets?

Shri Satish Chandra: It is not a question about shares. It is a question about certain transaction in groundnut oil. What the hon. Member says is correct, namely, that a margin was fixed. The prices of the groundnut oil were going very high, and the Forward Market Commission directed the Exchanges to fix a particular margin which was higher than before. That information was withheld by certain office-bearers of this association for a period of four days and not passed on to the trade.

Shri Nathwani: We are told that the Board has appointed a special committee to enquire into these affairs. May I know whether besides the secretary any director was found guilty of a conduct which was unworthy of a director?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): This matter is still being looked into, and I mighet inform the House, especially Shri P. R. Patel who has put this question, that the Forward Market Commission has functioned in a very restrained manner and as advised by Shri Patel. I have myself looked into the matter and I feel that what the Forward Market Commission has done so far is perfectly justified under the law, and they might also be justified if they take further action in connection with any other director or any other office-bearer of the Commission.

Shri Heda: May I know whether it is a fact that the inspecting officer of the Commission who attended a meeting delivered the letter after he had participated in the discussions and after the Board had come to a tentative decision and, if so, why was not that directive sent to the exchange earlier?

Shri Satish Chandra: It is true that the Inspection Officer of the Forward Market Commission attended the meeting. But even before the meeting, ther was a lot of talk that the secretary who had not made public the Government's announcement, as he should have done, was to be exonerated at the meeting. There were in fact two sections in the Board of Directors; one wanted to punish the secretary and the other wanted to defend him. The officer who went there tried to persuade the directors that there was gross impropriety and the secretary should be punished. As there were talks that he may be exonerated, he was deliberately asked by the Forward Market Commission to hand over the directive at the meeting if the meeting took a preverse attitude.

Shri Tyagi: Is it a fact that some of the directors themselves are responsible to have effected a bulk of forward purchases and transactions in

which they have earned lakhs of rupees with the result that when the information was given to all the rest of the people, their stocks fell in value and they have suffered heavy losses on that account?

Shri Lal Bahadur Shastri: The hon. Member may be right, but I would request him and other Members to keep their judgment in suspense for the time being because this matter is already being enquired into and looked into.

Mr. Deputy-Speaker: Next question.

Shri P. R. Patel *rose*—

Mr. Deputy-Speaker: Shri Patel is also included, I think, in the list of Members to whom an appeal has been made to keep their judgment in suspense!

Shri P. R. Patel: Sir, as the question.....

Mr. Deputy-Speaker: Hon. Member is entering into an argument. Next question.

Motor Cycle Factory in Mysore

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*837. { **Shri Shivananjappa:** / **Shri P C. Borooah:**

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that a Motor Cycle Factory is going to be set up in Mysore;

(b) if so, when; and

(c) the details thereof?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). One scheme for the establishment of a factory in Mysore city for the manufacture of Motor Cycles in collaboration with a Czechoslovakian firm has been approved in principle. The details of the project are still under consideration.

Shri Shivananjappa: May I know the estimated capacity of the plant and the estimated total investment?

Shri Manubhai Shah: The estimated capacity will be up to about 15,000 in the final phase. It is about 6,000 to begin with. The total investment will be about Rs. 2 crores to Rs. 3 crores.

Shri Shivananjappa: May I know whether a portion, if not the entire thing, will be manufactured here, instead of only assembling them?

Shri Manubhai Shah: The policy in the last three years has been not to allow any assemblage of any industrial undertaking. It should start from the basic stage and in this particular case we have stipulated that the motor cycles must be wholly indigenous within three years.

Shri Muhammed Elias: May I know whether it is a fact that the applications made by some factories with regard to some schemes for manufacturing auto-cycles and motor cycles in West Bengal have been rejected and, if so, why they were rejected?

Shri Manubhai Shah: One or two firms recently submitted...

Mr. Deputy-Speaker: This pertains to Mysore, and not to West Bengal.

Shri Muhammed Elias: It is about motor-cycles. The Minister is ready to answer.

Mr. Deputy-Speaker: In Mysore. I am sorry. Next question.

Re. Q. No. 842

Shri Hem Barua: Sir, Question No. 842 may be taken up as a special case. We are in the last five minutes of the Question Hour. We have been following this procedure of late.

Mr. Deputy-Speaker: Is mere writing enough? Is not the consent of the Speaker also required for that? That is not given, and therefore, I had called the next question.

Export of Plastic Goods

*838. **Shri D. C. Sharma:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that India is in a position to export plastic goods;

(b) if so, whether any effort has been made to explore the markets abroad; and

(c) the result thereof?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir.

(b) The Export Promotion Council has published market survey reports for Egypt, Eden and Syria.

(c) Plastic goods are not separately classified in our published trade statistics. The Plastics and Linoleum Export Promotion Council is however compiling the export satistics from the customs daily lists received from the ports. According to these figures it would appear that during the first ten months of 1959-60, the value of plastic goods exported amounted to about Rs. 62 lakhs as against Rs. 7 lakhs realised during 1955-56.

Shri D. C. Sharma: May I know if the markets for these plastic goods are being explored only in three countries or, are they being explored in other countries also and, if so, in what way?

Shri Satish Chandra: There are a large number of countries in West Asia, South-East Asia and Africa where our plastic goods are going. The market surveys were undertaken in these three particular countries during the last year with a view to developing our exports to a greater extent because there were indications that this could be done.

Shri D. C. Sharma: May I know if any kind of control is being kept on the export of these plastic goods and, if so, what is that kind of control?

Shri Satish Chandra: There is no control. Plastic goods can be exported freely to any country.

11.59 hrs.

[MR. SPEAKER *in the Chair*]

Shri D. C. Sharma: Is it not a fact that some people have complained about the poor quality of the goods that have been supplied to them and, if so, has the Ministry of Commerce and Industry received any complaint of that kind?

Shri Satish Chandra: The export of plastic goods are mostly confined to calendered plastic sheets. There might be some complaint against a particular consignment. I am not aware of the details and the hon. Member may put a definite and a separate question. But there cannot be widespread complaints because our exports are increasing from year to year.

Export of Rayon and Synthetic Fibre

***839. Shrimati Sucheta Kripalani:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that there was a fall in Rayon and Synthetic Fibre exports in 1958;

(b) whether the production has gone up from 285 million yards in 1958 to 328 million yards in 1959; and

(c) what are the reasons for this decline in export?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Export of Rayon and Synthetic Fibre is not allowed. If, however, the question relates to farbrics, there was no fall in exports in 1958.

(b) The production has gone up from 285 million yards in 1957 to 328 million yards in 1958 and 400 million yards in 1959.

(c) Does not arise.

Shrimati Sucheta Kripalani: May I know whether there is any deterioration in the quality and, if so, whether Government propose to improve the quality?

Shri Satish Chandra: The quality has been improving. With new machines and new factories coming up, the quality has been improving and the exports have been increasing.

WRITTEN ANSWERS TO QUESTIONS

Textile Mills Contribution to Provident Fund

*823. { **Shri A. K. Gopian:** / **Shri S. M. Banerjee:**

Will the Minister of **Labour and Employment** be pleased to refer to the reply given to Starred Question No. 884 on the 15th December, 1959 and state:

(a) what further progress has since been made in the cases pending against the textile mills which have not paid their share of provident fund so far; and

(b) the amount further recovered in December, 1959 and January, 1960?

The Deputy Minister of Labour (Shri Abid Ali): (a) Out of 111 defaulting textile mills against whom legal action was taken for recovery of Rs. 199·53 lakhs, 53 mills have since cleared their outstandings amounting to Rs. 55·10 lakhs. Action against the remaining 58 is in progress.

(b) (i) December, 1959.—Rs. 7·18 lakhs.

(ii) January, 1960—Rs. 17·63 lakhs.

Indian Diplomatic Missions

*824. **Shri Rameshwar Tantia:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact the India's Diplomatic Mission in certain foreign countries are looking after the interests of the Chinese Government; and

(b) if so, the details of the functions rendered by the Indian Missions in this regard?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) and (b). Strictly speaking we are not looking after the interests of the Chinese Government in any foreign country. But as a special case and in response to a joint request of the Government. both of USA and China made in 1955 we agreed to assist the two Governments in repatriation of Chinese nationals in USA who wished to return to the Chinese mainland.

अम्बर चरखा

*८२६. **श्री पद्म देव :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) ३१ दिसम्बर, १९५९ को कुल कितने अम्बर चरखा केन्द्र भारत में काम कर रहे थे ; और

(ख) क्या ऊन कातने के लिये कोई अम्बर चरखा बनाया गया है अथवा बनाया जा रहा है ?

उद्योग मंत्री (श्री मनुभाई शाह) : (क) ३१ दिसम्बर, १९५९ को ३२३८ उत्पादन केन्द्र, प्रशिक्षकों को ट्रेनिंग देने के लिये ६१ विद्यालय, बढ़इयों को ट्रेनिंग देने के लिए १७ विद्यालय तथा अम्बर चरखों का निर्माण करने के लिए १०८ बड़े तथा ४८५ छोटे सरंजाम कार्यालय चल रहे थे। इनके अतिरिक्त कतवारों को ट्रेनिंग देने के अनेक केन्द्र हैं । इन केन्द्रों के सम्बन्ध में जानकारी उपलब्ध नहीं है क्योंकि कतवारों को पूर्णतः विकेन्द्रित आधार पर ट्रेनिंग दी जाती है ।

(ख) जी, नहीं ।

National Productivity Council

*827. **Shri S. A. Mehdi:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a number of teams are to be sent for training in Productivity to foreign countries during 1960-61; and

(b) if so, from which trade they have been selected?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table of the

House. [*See* Appendix II, annexure No. 58].

Evacuee Land in Punjab

*828. **Shri Daljit Singh:**
Shri Ram Krishan Gupta:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to refer to the reply given to Unstarred Question No. 1716 on the 18th December, 1959 and state:

(a) whether Government have examined the report of the Committee set up to inspect and evaluate the unallotted evacuee land with a view to sell it to the Punjab Government; and

(b) if so, the result thereof?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Yes.

(b) It has been decided to transfer to the Punjab Government an area measuring about 47,000 acres of Banjar Qadim evacuee land at Rs. 5 per acre and about 36,000 acres of Ghair Mumkin evacuee land at a token price of Rs. 100.

Delhi Transport Undertaking

*831. **Shri Mohan Swarup:**
Shri Ram Krishan Gupta:
Shri S. M. Banerjee:

Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that 1,000 employees of the Delhi Transport Undertakin demanded on the 6th January, 1960 the appointment of a mediator to settle their five-month old dispute with management; and

(b) what action has been taken by the authorities on their demands?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) The Implementation Committee of the Delhi Administration had made certain recommendations which have been referred to the Delhi Transport Undertaking for consideration.

Employees' State Insurance Scheme

*832. **Shri Madhusudan Rao:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether any of the employers of Andhra Pradesh have not paid their dues on account of contribution towards Employees' State Insurance Scheme;

(b) if so, the particulars of employers;

(c) the amount not paid by them; and

(d) the action taken by Government in the matter?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) and (c). About Rs. 1,86,000 were due from 219 establishments in private sector and about Rs. 3,06,000 from 20 establishments in public sector on 31st December, 1959.

(d) Legal action under the Employees' State Insurance Act, 1948 has been taken wherever necesary.

Supply of Printing Paper

*833. **Shri Yajnik:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government are giving regularly quotas of printing paper (excluding newsprint) to associations or Co-operative Societies of publishers of books and text books;

(b) if so, the quality of foreign and Indian printing paper granted to such Organisations during the last three years;

(c) whether Government are aware that such printing paper is sold at black-market rates far in excess of those fixed by Government; and

(d) what measures do Government propose to take to arrange for the proper distribution of printing paper to the regular publishers of books and text books in the country?

The Minister of Industry (Shri Manubhai Shah): (a) Distribution of paper is not controlled by Government. However, the paper manufacturers have agreed to supply paper on the level of 1957 purchases.

(b) Does not arise.

(c) and (d). Government referred

the questions relating to paper Industry to the Tariff Commission on 1-9-1958 and to enquire into and report on the fair prices of these commodities. The Commission examined the matter and submitted its report in June 1959, recommending fair prices for different varieties. These recommendations were duly considered by Government and accepted vide Government Resolution published on 5-12-1959, making the new prices effective from 1-1-1960. Copies of the Tariff Commission's Report and the Resolution were placed on the Table of the House on 7-12-1959. In addition to the above, the State Trading Corporation of India is importing shortly 25,000 tons of paper to meet the gap between demand and supply and a larger quantity will be imported, if necessary.

As a result of the aforesaid measures, paper supply conditions in the market have already shown signs of improvement and it is hoped that this will facilitate the availability of paper for publishers of books and text books also.

Price of Cotton Yarn in South India

*836. **Shrimati Parvathi Krishnan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there has been any rise in the price of cotton yarn in South India which has adversely affected the handloom industry;

(b) whether Government has received any representations in this regard; and

(c) if so, the action taken thereor, if any?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). Yes, Sir.

(c) Additionl import of cotton has been arranged so that the rise in cotton prices is curbed and the mills are enabled to maintain optimum production of yarn. The matter has been discussed with the representatives of textile industry and the spinning mills in the South have agreed to open depots at suitable centres if the prices do not come down to a reasonable level.

Scheme of Compulsory Savings

*840. **Shri Ram Krishan Gupta:** Will the Minister of **Planning** be pleased to refer to the reply given to Unstarred Question No. 588 on the 27th November, 1959 and state:

(a) whether Government have completed study of issues relating to compulsory savings; and

(b) if so, the results thereof?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). The study is in progress.

Small Scale Industries

*841. **Shri Harish Chandra Mathur:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what are the main features of the common production programme chalked out by Small Industries Organisation and achievements made by it; and

(b) what steps Government propose to take to make it more effective?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The main features of the Common Production Programme considered by the Small Industries Organisation are:

(i) Reservation or demarcation of certain spheres of production;

(ii) Non-expansion of the capacity of the large sector;

(iii) Fixing targets of production for specific products in the small and the large sectors.

In addition, a number of items have been and are being reserved for purchase exclusively from Small Industies by the Director General of Supplies and Disposals.

No expansion has been allowed in the large sector in automobile batteries and radio receivers while small

scale units manufacturing these items have been given all assistance.

Targets have been fixed for assembly of cycles and for manufacture of sewing machines in the large scale as well as in the small scale sectors.

Details for implementing the Common Production Programme during the Third Five Year Plan are still to be worked out.

Condemnation of Chinese Aggression by Chinese in Calcutta

*842. **Shri Hem Barua:**
Shri P. G. Deb:
Shri Arjun Singh Bhadauria:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that some associations of Chinese residents in Calcutta in a representative meeting held recently in Calcutta have strongly condemned Chinese aggression on India and emphasised to the effect that "in this border dispute we are fully with the people and Government of India";

(b) if so, whether a copy of that resolution was sent to the Government of India; and

(c) what is the percentage of Chinese population that these associations represent?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes, Sir.

(b) No, Sir.

(c) The exact percentage of the Chinese population represented by this Association is not known.

Jute Goods

*843. **Shri P. C. Borooah:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that despatches of jute goods from Mills fell sharply from 99,027 tons in December, 1959 to 73,086 tons in January, 1960 and

(b) if so, the steps taken to raise production?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir.

(b) No special steps are contemplated as lesser despatches during January, 1960 were mainly due to slackness in demand and not due to insufficient production.

Janata Hotel in Delhi

*844. **Shri Ram Krishan Gupta:**
Shri D. C. Sharma:
Shri Madhusudan Rao:
Shrimati Mafida Ahmed:

Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Starred Question No. 541 on the 2nd December, 1959 and state the progress since made with regard to the construction of a Janata Hotel in Delhi?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): A preliminary estimate for the work has since been prepared by the Central Public Works Department, which will now be processed.

श्रृंगार सामग्री का आयात

१०५५. **श्री प्रकाश वीर शास्त्री** : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या श्रृंगार सामग्री के आयात में कोई कमी हुई है ;

(ख) यदि हां, तो कितनी ;

(ग) क्या अब भी किसी श्रृंगार सामग्री का भारत में आयात किया जा रहा है ;

(घ) यदि हां, तो गत पांच वर्ष में कौन-कौन सी श्रृंगार सामग्री का आयात किया गया और उनकी मात्रा क्या थी ;

(ङ) गत दस वर्ष में श्रृंगार सामग्री के आयात पर भारत ने कुल कितनी विदेशी

मुद्रा खर्च की अथवा वस्तु विनिमय के आधार पर कितनी मात्रा में अन्य वस्तुओं का संभरण किया ; और

(च) श्रृंगार सामग्री तैयार करने में भारत कब तक आत्मनिर्भर हो जायगा ?

वाणिज्य तथा उद्योग उपमंत्री (श्री सतीश चन्द्र) : (क) जी, हां ।

(ख) श्रृंगार सामग्री तथा अन्य सौन्दर्य प्रसाधनों" का आयात जनवरी-नवम्बर, १९५८ में जहां ५.७२ लाख रु० का हुआ था, वहां १९५९ की इसी अवधि में वह घटकर १.२५ लाख रु० रह गया ।

(ग) केवल स्टूडियो में मेकअप के काम आने वाली चीजें जैसे कोलोडियोन, लिपग्लास, दांतों पर लगाने का इनैमिल, पलकों का मेक अप करने की क्रीजें तथा अन्य विशेष प्रकार की श्रृंगार सामग्री के आयात की ही अनुमति दी जाती है ।

(घ) एक विवरण सभा-पटल पर रखा जाता है । [देखिये परिशिष्ट २, अनुबन्ध संख्या ५९]

(ङ) जानकारी उपलब्ध नहीं है ।

(च) इस समय वस्तुतः सभी प्रकार की श्रृंगार सामग्री का देश में उत्पादन हो रहा है । आशा है कि स्टूडियो में मेक अप के काम आने वाली चीजें बनाने के कारखाने देश में कुछ वर्षों में स्थापित हो जाएंगे । इस प्रकार की कई चीजें बनाने के लिए सरकार ने आवश्यक मंजूरी दे दी है ।

Unemployed Graduates

1056. Shri D. C. Sharma: Will the Minister of **Labour and Employment** be pleased to state the number of unemployed graduates remaining on the live registers of various Employment Exchanges in India as on the 1st March, 1960?

The Deputy Minister of Labour (Shri Abid Ali): The figures for 1st March, 1960 are not yet available. 39,641 such graduates were on the live registers on 31st December, 1959.

Medicated Tea

1057. { Shri B. C. Mullick: / Shri P. C. Borooah:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it has been brought to the notice of Government that the Ayurved Council, New Delhi has developed medicated tea consisting of 30 ingredients costing only one naya paisa per cup; and

(b) if so, what steps are being taken by Government to popularise it with a view to replace the consumption of tea in the country?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Reports to that effect have appeared in the press.

(b) The Tea Board is trying to obtain a sample of the product. No action is contemplated by the Government at present.

Explosion in Factory near Shahdra

1058. { Shri B. C. Mullick: / Shri S. A. Mehdi:

Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that two persons were killed and three injured on the 30th December, 1959 when there was an explosion in a factory in East Azad Nagar near Shahdra;

(b) if so, the cause of the explosion; and

(c) whether compensation was given to the dependants of the deceased?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) The bottom of a pressure vessel of about 2½ gallon capacity had burst, probably due to over pressure;

(c) No claim has been preferred by the dependants of the deceased to the Commissioner under the Workmen's Compensation Act.

Cottage and Small Scale Industries in Andhra Pradesh

1059. Shri Madhusudan Rao: Will the Minister of **Commerce and Indus-**

try be pleased to state:

(a) the various schemes of cottage and small scale industries being implemented in Andhra Pradesh with the help of the Central Government during the Second Five Year Plan; and

(b) the progress so far made in this regard?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Necessary information is being collected and will be laid on the Table of the House as soon as possible.

Export of Tobacco to U.S.S.R.

1060 { **Shri Manabendra Shah:** / **Shri Bhanja Deo:**

Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total quantity of tobacco exported to Russia in the last three years; and

(b) whether Government have formulated a scheme for exports of fluecured tobacco to U.S.S.R. under the aegis of State Trading Corporation of India?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Approximately 24·5 million lbs. during the years 1957, 1958 and the first ten months of 1959.

(b) No, Sir.

Production of Hand-made Paper in Punjab

1061. Shri D. C. Sharma: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any financial assistance has been extended to individuals or societies in Punjab State for the manufacture of hand-made paper; and

(b) if so, the amount of financial assistance given during the years 1958-59 and 1959-60 and the production targets achieved?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) Financial assistance was given to the Punjab Government etc., as detailed below:

Agency	1958-59		1959-60 (upto 31-1-60)	
	Grant Rs.	Loan Rs.	Grant Rs.	Loan Rs.
1. Punjab State Khadi & Village Industries Board	7,500	10,500	16,500	39,065
2. Punjab State Government for school units	4,000	..	..	..
3. Registered Institutions	21,531	15,000	..	..
TOTAL	33,031	25,500	16,500	39,065

No target is fixed for production during the first three years of the setting up of any centre. Production by the two centres set up and working during 1958-59 amounted to 51562 lbs. valued at Rs. 60,312.

Slum Clearance in Kanpur

1062. Shri D. C. Sharma: Will the Minister of **Works, Housing and Supply** be pleased to state the total amount likely to be sanctioned during the remaining period of the Second Five Year Plan to Kanpur for slum clearance work?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): Slum-clearance projects of the approved cost of Rs. 1·21 crores have so far been sanctioned in Kanpur city. The State Government have also been authorised to sanction further slum-clearance projects in Kanpur costing upto Rupees one crore.

Unemployed in Delhi

1063. Shri D. C. Sharma: Will the Minister of **Labour and Employment** be pleased to state:

(a) the number of persons (skilled, semi-skilled and unskilled) registered with the Employment Exchanges in Delhi up-to-date;

(b) the number of persons employed in the Government of India undertakings like Railways etc. during the period November, 1959 to March, 1960; and

(c) the number of persons employed in private industries and contrators' services?

The Deputy Minister of Labour (Shri Abid Ali): (a) The information is given below:

	Category	Number on the Live Register at the end of February 1960
1.	Skilled and Semi-skilled .	5,715
2.	Unskilled	19,557
3.	Others	32,356
	TOTAL . .	57,628

(b) and (c). Separate figures regarding placements in Railways etc., are not available. The number of persons placed in Government and other establishments is given below:

		Placements effected during the period 1-11-59 to 29-2-60
1.	Central Government .	2,218
2.	State Government . .	13
3.	Quasi Government & local bodies	424
4.	Private establishments .	122
	TOTAL . .	2,777

Diversification of Production in Hindustan Machine Tools

1064. Shri V. P. Nayar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the question of diversifying the production of Hindustan Machine Tools Ltd., has been considered in detail by any Committee of Experts;

(b) if so, the findings of the Committee; and

(c) what are the different types of machine tools in mass production at the Hindustan Machine Tools Ltd., at present?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A Committee has been constituted to examine the question of diversifying the production of Hindustan Machine Tools Ltd., Bangalore. The findings of the Committee are still awaited. The proposal which has been approved by Government in principle is for raising the output of Hindustan Machine Tools from about 700 machines per annum to 2000 machines per annum by 1963-64.

(c) The following types of machine tools are now in mass production at the Hindustan Machine Tools Ltd.

(i) H-22 Lathes (1000 mm and 1500 mm. centre height).

(ii) 'Batignolles' type Lathes (170 mm. to 250 mm. centre height)

(iii) Milling Machines (Horizontal, Universal and Vertical—Sizes 2 and 3) .

(iv) Radial Drilling Machines (sizes 1½" and 2").

Idle Capacity in Public Sector Industries

1065. Shri V. P. Nayar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any estimate has been made for the existing idle capacity in the Public Sector Industries;

(b) if so, what is the percentage of idle capacity in each undertaking; and

(c) whether any systematic study has been made in each unit to diver-

sify production, wherever possible, so as to utilise the idle capacity?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). There is practically no idle capacity in the Public Sector Industries under this Ministry. It is too general a question to collect data for such a vast number of industries under several Ministries. The question concerning public sector industries under other ministries may kindly be put to those ministries.

Chlorine for D.D.T. Factories

1066. Shri V. P. Nayar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the present rate at which chlorine is purchased for (i) D.D.T. factory at Delhi and (ii) D.D.T. factory at Alwaye;

(b) whether it is a fact that a higher price is paid at Delhi; and

(c) if so, by how much and for what reasons?

The Minister of Industry (Shri Manubhai Shah): (a) The rates at which chlorine is purchased are as under:

(i) *DDT Factory, Delhi*

For the first 700 tons of DDT		Rs. 466·6 per ton.
For the supplementary supply of chlorine for the additional capacity of 700 tons of DDT	From D.C.M. Chemical Works Delhi.	280·0 per ton.

(ii) *DDT Factory, Alwaye*

From Travancore-Cochin Chemicals Private Ltd., Alwaye.	142·0 per ton.

(b) Yes, Sir.

(c) The D.D.T. factory project at Delhi was considered and developed during the period 1950—53. At that time a few small-sized plants for the production of caustic soda and chlorine were in existence in different parts of the country. The Delhi site was selected on the advice of the U.N.I.C.E.F. and W.H.O., who provided financial and technical assistance for setting up the factory and the choice of Delhi site was also based on the availability of chlorine from the D.C.M. Chemicals Works which was the nearest caustic-soda-chlorine plant in the northern region. Therefore, Government entered into a contract with the D.C.M. Chemicals Works for the supply of chlorine at the best possible price at that time. Even now there has been no development of the caustic soda industry in the northern region to serve as an alternative source for the supply of chlorine at lower prices.

The Alwaye factory was considered and developed during 1955—57, by which time additional sources of chlorine from larger units had come into existance in the different parts of the country. The cost of chlorine is largely dependent on the price of electric power. The Power rate in Kerala is much lower than at Delhi and as such the cost of manufacture of chlorine in the Travancore-Cochin Chemicals Private Ltd., Alwaye, where the caustic soda/chlorine plant was established in the last few years is much lower. The Government, therefore, could secure better terms for the supply of chlorine from the Travancore-Cochin Chemicals Private Ltd., Alwaye, and therefore it was decided to set up a second D.D.T. plant in that area.

For the additional supplies of chlorine for the expanded capacity of the D.D.T. plant at Delhi (from 700 tons to 1,400 tons per annum) which was undertaken during the same period, lower prices have been secured from the D.C.M. Chemicals Works who had also in the meantime, expanded their caustic-soda chlorine capacity and could supply chlorine at a lower rate.

Government of India have, on the recommendation of the Tariff Commission, fixed the fair selling price of

liquid chlorine in returnable containers inclusive of filling charges at Rs. 22·2 per cwt. or Rs. 444 per ton with effect from the 27th October, 1959.

Price of Brass and Copper Sheets

1067. Shri V. P. Nayar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether as indicated in the Tariff Commission report on the continuance of protection to non-ferrous metals industry, M/s. Kamani Metals and Alloys Ltd. and Indian Smelting and Refining Co. Ltd., have commenced announcing their prices of commercial sheets of brass and copper; and

(b) if not, the steps taken to enforce the above?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) Does not arise.

Import of Cotton

1068. Shri V. P. Nayar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) what percentage of imported long staple cotton is consumed in the textiles exported from India; and

(b) what percentage of such imported long staple cotton is used in the textiles consumed internally?

The Minister of Industry (Shri Manubhai Shah): (a) India exports mainly coarse and medium cloth. A certain quantity of foreign cotton also goes into the production of medium varieties of cloth after mixing such cotton with indigenous cotton. It is not, however, possible to arrive at an estimate of the foreign cotton consumed in the manufacture of textiles exported.

(b) For the same reasons as stated in reply to (a) above, it is also not possible to estimate the percentage of the imported long staple cotton used in the extiles consumed internally.

"A Day at Zoo" and "Courtesy"

1069. Shri Subodh Hansda:
Shri R. C. Majhi:
Shri S. C. Samanta:

Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether any progress has been made on the work of the films "A Day at Zoo" and "Courtesy";

(b) who has been entrusted with the work; and

(c) when these are likely to be completed?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir.

(b) Films Division of the Ministry of Information and Broadcasting.

(c) The shooting of the film "A Day at Zoo" will commence shortly while that of the film "Courtesy" has been completed. The latter is in the editing stage and is expected to be completed shortly.

उत्तर प्रदेश के पहाड़ी जिलों का विकास

१०७०. **श्री भक्त दर्शन :**
श्री राम कृष्ण गुप्त :

क्या योजना मंत्री ७ दिसम्बर, १९५९ के अतारांकित प्रश्न संख्या १०३० के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) उत्तर प्रदेश के पहाड़ी जिलों के विकास का जो विशेष कार्यक्रम स्वीकार किया गया था उस के बारे में १९५९–६० के वित्तीय वर्ष में अब तक क्या प्रगति हुई है ; और

(ख) उत्तर प्रदेश सरकार ने इस काम के लिए अगले वित्तीय वर्ष के लिए जो ७६.५ लाख रुपये की सहायता मांगी थी उस के बारे में क्या निर्णय किया गया है ?

योजना उपमंत्री (श्री ह्या० नं० मिश्र): (क) खर्च के ठीक ठीक आंकड़े अभी तक प्राप्त नहीं हुए हैं।

(ख) ७३.१३ लाख रुपये की मांग अब की गई है। यह राशि १९६०-६१ की वार्षिक योजना में निर्धारित कर दी गई है।

Survey of Glass Industry

1071. **Shri S. C. Samanta:**
Shri Subodh Hansda:
Shri R. C. Majhi:
Shri Ram Krishan Gupta:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 1435 on the 15th December, 1959 and state:

(a) whether the Report of the Technical Survey team for the Glass Industry, has since been considered and decision taken;

(b) the main recommendations of the team; and

(c) how they will be implemented?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir; the Report of the Technical Survey Team for the Glass Industry has since been compiled by the Development Wing of the Ministry though the report of one of the members of the Survey Team, who was deputed by the United Nations Technical Assistance Board has not yet been received due to his illness.

(b) The main recommendations of the Survey Team are laid on the Table of the Sabha. [*See* Appendix II, annexure No. 60].

(c) The recommendations of the Survey Team are being brought to the notice of the glass industry as a whole as well as to the factories visited by the Survey Team. The recommendations are, by and large, for the industry to consider and implement. The Development Wing of the Ministry has also made note of the recommendations which will prove helpful to them in dealing with specific problems of the development of the industry and affording further assistance to it.

Employees State Insurance Hospital at Kanpur

1072. **Shri Ram Krishan Gupta:** Will the Minister of **Labour and Employment** be pleased to refer to the reply given to Starred Question No. 499 on the 2nd December, 1959 and state:

(a) whether the foundation-stone of the hospital to be established at Kanpur under the Employees State Insurance Scheme has been laid; and

(b) if not, the reasons therefor?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The construction of the Employees' State Insurance Hospital at Kanpur started on the 24th December, 1959.

Indo-Tibetan Trade

1073. **Shri D. C. Sharma:**
Shri Rameshwar Tantia:

Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 354 on the 27th November, 1959 and state the position in regard to Indo-Tibetan Trade on the Kalimpong-Gangtok-Nathula Pass-Yantung caravan route during the last three months?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): There has been no improvement in the position as the following figures would show:

	Import (Value in Lakhs of rupees).	Export
October, 1959 .	2·52	3·84
November, 1959 .	2·60	1·04
December, 1959 .	1·37	1·41

Textile Bobbin Enamels

1074. Shri P. K. Deo: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the quantity of Textile Bobbin Enamels imported into India during the years 1958-59 and 1959-60 so far and the amount of foreign exchange involved;

(b) how they are used in this country;

(c) whether indigenous production of Textile Bobbin Enamels can be taken up on a commercial scale as a result of research carried out at the Regional Research Laboratory, Hyderabad;

(d) the finances that will be required to set up an industry for its production; and

(e) whether any application for licence has been received for its production in the country or whether Government want to produce them in the Public Sector?

The Minister of Industry (Shri Manubhai Shah): (a) The import statistics of enamels exclusively for Textile Bobbins are not available. The imports of different types of enamels for the years 1958-59 and 1959-60 (April-November, 1959) were, however, as follows:

	Quantity	Value
	Gallons	Rs.
1958-59 . . .	1109	13,000
1959-60 (April-Nov, 1959) . . .	300	6,000

(b) They are used for coating Textile Bobbins for increasing their utility.

(c) The Regional Research Laboratory, Hyderabad, has prepared a number of enamels based on cashewnut shell liquid for coating wooden bobbins. At present, factory trials on samples of black bobbin enamels are being conducted and also the economic aspect of the various materials are being investigated.

(d) Financial implications of a commercial project have not been worked out yet.

(e) In view of the answer to part (c) above, the question of grant of licences under the Industries (Development and Regulation) Act, 1951 for the manufacture of Textile Bobbin Enamels based on the research carried out at the Regional Research Laboratory, Hyderabad, does not arise. However, some firms are already manufacturing Textile Bobbin Enamels according to different processes. There is no proposal to manufacture the item in the Public Sector for the present.

Cellulose

1075. Shri P. K. Deo: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the quantity of Cellulose for the manufacture of Cellulose Nitrate, C.M.C., Acetate Rayon etc., imported into India in the years 1958-59 and 1959-60 so far and the amount of foreign exchange involved;

(b) how it is used in the country;

(c) whether indigenous manufacture of Cellulose for the manufacture of Cellulose Nitrate, C.M.C., Acetate Rayon etc. can be taken up on a commercial scale as a result of research carried out at the Regional Research Laboratory, Hyderabad;

(d) the finances that will be required set up an industry for its production; and

(e) whether any application for licence has been received for its production in the country or whether Government want to produce it in the Public Sector?

The Minister of Industry (Shri Manubhai Shah): (a) The types of cellulose required for the specific purposes mentioned in this question would be covered by items (i) Rayon grade pulp and (ii) cotton linters. The import figures of these items

during 1958-59 and 1959-60 (up to November, 1959) are given below:

Quantity in 'ooo' Cwts.
Value in 'ooo' Rs.

	1958-59		1959-60 (upto Nov. 1959)	
	Q.	Value	Q.	Value
(1) Mechnical Wood Pulp .	88	4,247	138	5,631
(2) Chemical Wood Pulp . . .	944	41,877	864	38,037
(3) Chemical Wood Pulp other than sulphite .	38	1,960	34	992
(4) Pulp of straw, of fibres and of rags . .	Negligible	24	Negligible	Negligible
(5) Cotton linters excluding absorbent cotton made of linters	18	538	11	216

(b) Cellulose pulp (rayon grade) is used for viscose filament yarn and viscose staple fibre, and cotton linters for the manufacture of Acetate Rayon Yarn.

(c) and (d). Information not readily available.

(e) At present two licences for the manufacture of rayon grade pulp from bamboo have been issued to firms in the Private Sector. A few other applications are at present under consideration. So far, Government have not taken any decision to manufacture this item in the public sector.

Import of Sulphur

1076. Shri P. K. Deo: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the quantity of Sulphur imported into India in the years 1958-59 and 1959-60 so far and the amount of foreign exchange involved;

(b) how it is used in the country;

(c) whether indigenous production of Sulphur from Industrial Gas can be taken up on a commercial scale as a result of research carried out at the Central Fuel Research Institute, Jealgora;

(d) the finances that will be required for setting up an industry for its production; and

(e) whether any application for licence has been received for its production in the country or whether Government want to produce it in the Public Sector?

The Minister of Industry (Shri Manubhai Shah): (a).

Quantity in cwts.
Value in 'ooo' of Rs.

	1958-59		1959-60 (April-Nov.)	
	Qty.	Val.	Qty.	Val.
1. Sulphur crude .	2403792	21282	1857610	15570
2. *Sulphur & Compounds* :				
(*i*) Sulphur refined, flowers.	15316	273	8004	187
(*ii*) Sulphur refined, precipitated .	4410	100	477	19
(*iii*) Sulphur refined rolls	75601	1499	38589	685

Quantity in cwts.
Value in '000' of Rs.

	1958-59		1959-60 (April-Nov.)	
	Qty.	Val.	Qty.	Val.
(*iv*) Sulphur refined sublimed	4593	90	1640	32
(*v*) Sulphur refined others .	147727	258c	44902	819
TOTAL (2)	247647	4542	93612	1742
3. Sulphur black.	387	374	246	261
4. Sulphur dyes excluding sulphur black	647	588	264	219

(b) Sulphur is used in this country in the manufacture of sulphuric acid, carbon disulphide, gun powder and blasting powder, medicines and agricultural dusting and sugar industry.

(c) The Central Fuel Research Institute, Jealgora has developed a process for the removal of inorganic and organic sulphur from industrial gases and both these processes are covered by Indian Patent Nos. 55816 and 55817.

(d) The Central Fuel Research Institute has intimated that approximate cost of installation of a One thousand tons Coke producing plant from which 8-10 tons per day sulphuric acid could be covered will be about Rs. 10·00 lakhs.

(e) No application has been received from any firm for the production of sulphur. Government have no proposal for the production of sulphur from industrial gases. A proposal to manufacture sulphur from pyrites in the public sector is however under consideration.

Phenol and Cresol

1077. Shri P. K. Deo: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the quantity of Phenol and Cresol imported into India in the years 1958-59 and 1959-60 so far and the amount of foreign exchange involved;

(b) how they are used in the country;

(c) whether indigenous conversion of higher tar acids to Phenol and Cresol can be taken up on a commercial scale as a result of research carried out at the Central Fuel Research Institute, Jealgora;

(d) the finances that will be required to set up an industry; and

(e) whether any application for licence has been received for setting up such a plant in the country or whether Government want to produce them in the Public Sector?

The Minister of Industry (Shri Manubhai Shah): (a) to (e). The

quantity and value of Phenol and Cresol imported during the years 1958-59 and 1959-60 (April—November) are furnished below:

Quantity in Cwts.
Value in '000' Rs.

	1958-59		1959-60 (April-Nov.)	
	Q	V	Q	V
Phenol				
(Carbolic Acid) Commercial Pure .	2700 16721	259 1626	2519 13336	238 1254
Cresol				
(Cresulic Acid) . Commercial Pure .	7682 6271	564 491	10808 4661	726 347

These are used in the country mostly for the manufacture of synthetic resins, plastics, dyestuffs and in pharmaceuticals.

The Central Fuel Research Institute, Jealgora, has developed a process for the conversion of higher tar acids to Phenols and Cresols. The process is covered by an Indian patent. The work so far done has been only on a laboratory scale. The institute has designed a pilot plant which is being fabricated in its workshop. Only after pilot plant studies are completed, possibilities of commercial exploitation and the finance required for setting up an industry can be gauged.

No application has been received for a licence under the Industries (Development and Regulation) Act 1951 for the establishment of manufacture of Phenol and Cresol based on the result of research carried out at the Central Fuel Research Institute.

The manufacture of 1,500 tons per annum of synthetic phenol is proposed in the Public Sector.

Emulsifiers

1078. Shri P. K. Deo: Will be Minister of **Commerce and Industry** be pleased to state:

(a) the quantity of Emulsifiers imported into India in the years 1958-59 and 1959-60 so far and the amount of foreign exchange involved;

(b) how they are used in the country;

(c) whether indigenous production of Emulsifiers can be taken up on a commercial scale as a result of research carried out at the Central Leather Research Institute, Madras;

(d) the finances that will be required to set up an industry for their production; and

(e) whether any application for licence has been received for their production in the country or whether Government want to produce them in the Public Sector?

The Minister of Industry (Shri Manubhai Shah): (a) During the years 1958-59 and 1959-60 (April to November, 1959) 51,000 lbs. and 66,000 lbs. of Emulsifying Agents valued at Rs. 2,29,000 and Rs. 2,59,000 respectively were imported.

Their imports are, however, not allowed during the current licensing period, *viz.*, October, 1959 March 1960.

(b) Emulsifiers are used in textiles and in engineering industries as cutting oils and lubricants and to a cer-

tain extent in the pharmaceutical, cosmetic, sanitary chemical, polishes, agricultural products and food industry etc. In leather industry, these are used as aid to the application of oils, fats and greases to the leather for making them supple, soft, strong and sometimes waterproof.

(c) and (d). As a result of research carried out in Central Leather Research Institute, Madras, manufacture of sulphated fatty oils from Fish and Pongam oils (a variety of Anionic Emulsifiers) can be taken up on a commercial scale. The finance required to set up such an industry will be about Rs. 1,00,000 for an annual production of 100 tons.

Researches are also being conducted at this Institute on the manufacture of Cationic emulsifiers and these have given some promising results. Further tests and work on a pilot scale are, however, required to be undertaken before releasing the process to the industry.

(e) Licences under the Industries (Development and Regulation) Act have been granted to the following parties:

(*i*) Messrs Home Industries & Co., Bombay.	Emulsifying agents —3 tons per month.
(*ii*) Shri Anandlal Harilal Seth, Bombay.	Polythelene Glycol Fatty Esters (Emulsifyig Agents—25 tons per month).

There is no proposal to undertake the manufacture of this item in the Public Sector.

Hand Printing Industry

1079. **Shri S. C. Samanta:**
Shri Subodh Hansda:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Report on the Hand Printing Industry at Ahmedabad, submitted by the Research Advisory Panel of the All India Handicrafts Board, has been considered by Government;

(b) whether the opinions of the Handicrafts Board and Textile Industry were asked for before consideration;

(c) what are the tentative decisions taken; and

(d) how they will be given effect to?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) Yes, Sir.

(c) and (d). The tentative decisions taken are as follows:

(i) that the handprinting industry occupied an important place in the national economy and it should be assisted to improve its competitve capacity through promotional measures.

(ii) that the handprinting by the mills should be pegged at the existing ceiling of 745.41 million yards and that requests for an increase in the present over-all quotas should not be entertained.

(iii) that the machine processors with printing machines should also be brought within the relevant provisions of the Textile Control Order and should be subject to quotas as in the case of mills.

(iv) that adequate funds should be made available for accelerating development of handprinting industry.

2. Details are being worked out by the organisations concerned, with a view to seeing as to how best these decisions could be implemented.

Work-charged Staff

1080. Shri Tangamani: Will the Minister of **Labour and Employment** be pleased to refer to the reply given to Unstarred Question No. 313 on the 6th August, 1959 and state the number of work-charged staff employed by the Central Public Works Department according to each Division

during the months of August, September, October, November and December, 1959?

The Deputy Minister of Labour (Shri Abid Ali): There are 94 divisions in the Central Public Works Department. The number of work-charged staff employed during each of the months in the Department is mentioned below:—

August 59	September 59	October 59	November 59	December 59
11,504	11,679	11,630	11,586	11,513

हिमाचल प्रदेश में गंदी बस्तियां हटाना

१०८१. **श्री पद्म देव :** क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश में गंदी बस्तियां हटाने के लिए द्वितीय पंचवर्षीय योजना में कितनी धन राशि नियत की गई ;

(ख) कितनी योजनायें कार्यान्वित करने का विचार है और वे कहां-कहां पर कार्यान्वित की जायेंगी ; और

(ग) अब तक कितनी योजनायें कार्यान्वित की जा चुकी हैं और उन में से प्रत्येक पर कितनी धन राशि व्यय की गई है ?

निर्माण, आवास और संभरण उपमंत्री (श्री अनिल कु० चन्दा) : (क) से (ग) : हिमाचल प्रदेश शासन ने, द्वितीय पंचवर्षीय योजना में, गंदी बस्तियों की सफाई के लिए, अभी तक कोई कार्यक्रम आरम्भ नहीं किया है ।

Potassium Permanganate

1082. Shri Pangarkar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total annual consumption of potassium permanganate in the country at present; and

(b) how much of it is produced in the country and from which sources?

The Minister of Industry (Shri Manubhai Shah): (a) Approximately 450 tons per year.

(b) There is no organised indigenous production of potassium permanganate at present.

One firm has however been licensed under the Industries (Development and Regulation) Act, 1951 for a capacity of 300 tons per annum and they are likely to start production by the end of this year. One more scheme is under consideration.

Manufacture of Machinery

1083. Shri Pangarkar: Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 793 on the 2nd December, 1959 and state the further progress made so far in setting up a plant to manufacture cement machinery, mining machinery, water tubes, boilers and pressure vessels at Durgapur?

The Minister of Industry (Shri Manubhai Shah): There is no substantial change in the position relating to the setting up of a plant at Durgapur to manufacture machinery, set out in the reply given to Unstarred Question No. 793, on the 2nd December, 1959. The progress is going on according to schedule.

Heavy Industries for Bombay

1084. Shri Pangarkar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the heavy industries in both sectors originally scheduled in the Second Plan period for Bombay

would be installed in the rest of the Plan period; and

(b) if not, the reasons therefor?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Preliminary preparations for a fertiliser plant at Trombay are under way. The expansion of Pimpri Antibiotics factory is already undertaken.

Export of Iron Ore

1085. Shri Chintamoni Panigrahi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amount of iron ore which has been exported through the ports of Guddalore, Cochin, Mangalore, Belikens, Karwar and Pradip from January, 1958 to 1960 so far;

(b) the countries to which iron ore has been exported respectively through these ports by the State Trading Corporation during the above period;

(c) what is the export earning of the State Trading Corporation from these ports during the above period;

(d) what amount has been spent respectively in improving facilities for exports on all these ports during the above period; and

(e) whether the State Trading Corporation spends anything for improving export facilities of these ports?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) to (d). Two statements giving the necessary information are laid on the Table of the Sabha. [*See* Appendix II, annexure No. 61.]

(e) No, Sir.

Import of Dyes and Chemicals

1086. { Shri Nagi Reddy: / Shri Vasudevan Nair:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 1457 on the 15th December, 1959 and state whether the information has since been collected regarding the amount of licensing done to ICI Ltd. and five top-most firms in the field of dyes and chemicals during 1956—58?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): Yes, Sir. The following three statements—

No. I—showing licensing done under category of Established Importers to Imperial Chemical Industries and other top most firms for the import of chemicals falling under S. Nos. 22-31/V for the licensing periods January-June 1956 to April-September 1958.

No. II—showing licensing done to I.C.I. and other topmost importers (excluding Established Importers) for import of chemicals falling under S. Nos. 22-31/V for the licensing periods January-June, 1956 to April-September 1958.

No. III—showing licensing done under the category of Established Importers to I.C.I. and other topmost firms for the import of dyes falling under S. No. I-B/III for licensing periods January-June 1956 to April-September 1958.

are laid on the Table of the Sabha [*See* Appendix II, annexure No. 62.]

Dalai Lama

1087. { Shri Raghunath Singh: / Shri Chintamoni Panigrahi: / Shri Aurobindo Ghosal:

Will the **Prime Minister** be pleased to state the amount spent on Dalai Lama and his party for their maintenance in 1959 and for his tour programme in India during January-February, 1960?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): A sum of Rs. 4,41,151.46 (Rs. four lakhs forty-one thousand one hundred fifty one and nP 46) has been spent on the maintenance of the Dalai Lama and his party from April to December, 1959.

2. As regards the tour during the months of January-February, 1960, the actual expenditure is not yet known, as the bills from the State Governments and the Railway Board, who were requested to make the necessary arrangements have not yet been received. However, it is estimated that the expenditure on this account will be approximately Rs. 40,000 (Rupees forty thousand).

Records in Central Government Offices

1088. { **Shri Radha Raman:** / **Shri A. M. Tariq:**

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that Government have issued orders to all its departments that records marked for 10 years are to be destroyed without reference to the National Archives;

(b) if so, whether this order applies to specified records or all records; and

(c) whether records which are of border-line period are also to be destroyed or whether there are some other instructions for such cases?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) to (c). The orders referred to provide that it is not necessary to consult the National Archives before files initially marked for record for a period of up to ten years are weeded out in accordance with the instructions given in the Manual of Office Procedure. Those instructions make it clear that files containing papers, which are important or are likely to become important in future, however indirectly, as sources of information on any aspect of history, whether political or military or social or economic, etc., or which are, or may in future prove to be, of biographical or antiquarian interest, should not be destroyed.

U.S. Trade Missions

1089. Shri Aurobindo Ghosal: Will the Minister of **Commerce and Industry** be pleased to state how many American trade missions have visited India during the last two years?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): A U.S. Mission visited India in Oct.-Nov., 1958 to suggest improvements in the designs of our handlooms and handicrafts.

Four U.S. Trade Missions visited India between December, 1958 and March, 1960 to organize Solo-Exhibitions of small industries machinery at Delhi, Calcutta, Madras and Bombay.

A team of about 39 businessmen from Detroit came to India on their own initiative during January, 1960.

N.E.P.A. Mills

1090. Shri Kalika Singh: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the audited Profit and Loss Account and the Balance Sheet of National Newsprint and Paper Mills Ltd., Nepanagar show a net loss for the year ending 31st March, 1959; and

(b) if so, the amount of net loss?

The Minister of Industry (Shri Manubhai Shah): (a) No, Sir. The audited Profit and Loss Account and the Balance Sheet of the National Newsprint and Paper Mills show a net profit of Rs. 36,82,757.15 for the year ending the 31st March, 1959. This, however, had to be utilised for reducing the debit balance of Profit and Loss Account of Rs. 1,73,20,889.00 at the beginning of the year.

(b) Does not arise.

Women's Programmes on A.I.R.

1091. Shri D. C. Sharma: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the women's programmes of A.I.R. are planned in consultation with the Social Welfare Board; and

(b) whether in any of these programmes the participation of women students is also secured?

The Minister of Information and Broadcasting (Dr. Keskar): (a) No; in the production of programmes A.I.R. is guided by its Programme Advisory Committees but takes into account the activities of the Social Welfare Board also.

(b) Yes, Sir, especially in the programmes for working women and University students.

Technical Training Centres, Punjab

1092. Shri Daljit Singh: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the Technical Training Institutions, which were proposed to be opened in Punjab during the Second Five Year Plan period have been opened; and

(b) if not, the reasons for delay?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) Does not arise.

Cotton Cloth

1093. Shri Shree Narayan Das:
Shri Radha Raman:
Shrimati Mafida Ahmed:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that some varieties of cotton cloth have been in short supply during the last three months;

(b) if so, the names of such varieties of cloth; and

(c) the extent to which their availability has been affected?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Government have no information.

(b) and (c). Do not arise.

बांस

१०९४. **श्री हेम राज :**
श्री पद्म देव :

क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) देश में हुक्के बनाने के लिये १९५७ से १९५९ तक बांस का कितना आयात किया गया;

(ख) क्या हुक्के बनाने में काम आने वाले बांस का निर्यात भी किया जाता है;

(ग) यदि हां, तो किन-किन देशों को इसका निर्यात किया जाता है; और

(घ) १९५७ से १९५९ तक कुल कितना निर्यात किया गया ?

उद्योग मंत्री (श्री मनुभाई शाह) : (क) से (घ) हुक्के बनाने में काम आने वाले बांसों के सम्बन्ध में जानकारी अलग से उपलब्ध नहीं है ।

Displaced Persons from East Pakistan

1095. Shri P. C. Borooah: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether the Church World Service of America have approached Government to start a million-dollar five-year project for the welfare of the displaced persons in West Bengal;

(b) if so, whether Government propose to accept the offer; and

(c) how and to what extent Government would co-operate in the implementation of the scheme?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) No.

(b) Does not arise.

(c) Does not arise.

लाजपत राय मार्केट, दिल्ली

१०९६. श्री प्रकाश वीर शास्त्री : क्या पुनर्वास, तथा अल्पसंख्यक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या लाल किले के सामने लाजपत राय मार्केट का निर्माण पूरा हो चुका है;

(ख) यदि नहीं, तो यह कब पूरा होने की संभावना है; और

(ग) क्या वे दुकानदार जिन की दुकानें लकड़ी की दुकानों में थीं उक्त मार्केट के तैयार होने पर उस में चले जायेंगे ?

पुनर्वास तथा अल्पसंख्यक-कार्य मंत्री (श्री मेहर चन्द खन्ना) : (क) और (ख) मार्केट के सेक्टर १ में दुकानें बन कर तैयार हो चुकी हैं। सेक्टर २ में दुकानों का बनवाना तभी शुरू होगा जबकि वहां के मौजूदा दुकानदार उस जगह को छोड़ दें। उनमें से हकदार दुकानदारों को इन दुकानों के बदले में दूसरी जगह अस्थाई तौर पर देने का प्रबन्ध कर दिया गया है।

(ग) जिन दुकानदारों को सेक्टर १ में स्थायी रूप से दुकानें एलाट की गयी हैं वे उनमें आ गये हैं। बाकी हकदार दुकानदारों को अस्थायी तौर पर दूसरी जगह जाने को कहा गया है और वे उस स्थान पर सेक्टर २ में पक्की दुकानें तैयार होने तक रहेंगे।

Import of Tyres

1097. Shri Chintamoni Panigrahi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the State Trading Corporation had imported tyres during 1958-59 and 1959-60 so far;

(b) if so, the quantity of tyres, so imported during this period;

(c) how this quantity was distributed by State Trading Corporation to different States, State-wise;

(d) the stock of tyres held by State Trading Corporation at present;

(e) how do they propose to distribute the same?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Giant tyres have been imported by the State Trading Corporation during 1959-60 only.

(b) 22,015 sets of tyres, tubes and flaps were ordered out of which 5,340 sets have been delivered upto the end of February, 1960.

(c) and (e). Distribution is not made statewise. Tyres are supplied to Government Transport Undertakings and to other actual users on the basis of Vehicle Registration Certificates from the Regional Transport Authority concerned.

(d) 2,500 sets.

Fees for Talks on A.I.R.

1098. Shri Hem Barua: Will the Minister of **Information and Broadcasting** be pleased to refer to the statement laid in implementation of assurance given in reply to Starred Question No. 1256 on the 16th March, 1959 and state:

(a) what are "the other factors" that are taken into account in determining the fees for broadcasting of talks on the All India Radio;

(b) the considerations that weigh in determining the nature of talks; and

(c) how far these principles laid down by the administration are adhered to?

The Minister of Information and Broadcasting (Dr. Keskar): (a) The 'other factors' taken into account for determining the payment for talks are: the duration of the talk, the qualifications of the talker in respect of the subject matter of talk, his broadcasting experience and the programme in which the talk is scheduled (*viz.*) general or special audience programmes such as those for women, children, schools, industrial workers.

(b) Generally, the nature of talks is determined by the requirements of programme production on various subjects. Broad lines are laid down as to groups of subjects, details being filled up by the Station Directors concerned.

(c) The Stations have to work on the general principles laid down in these matters as mentioned above. Discretion has to be left to the Station to decide on the talkers and the fees that should be paid to them.

Visas for Sylhet

1099. { **Shri S. A. Mehdi:** / **Shri Arjun Singh Bhadauria:**

Will the **Prime Minister** be pleased to state:

(a) whether some officers on the staff of Deputy High Commission in Dacca were refused permission to visit Sylhet recently; and

(b) if so, why, and the action taken in the matter?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) Our mission in Dacca applied for visas for our Publicity Organiser, Film Operator and an Office Peon in order to enable them to participate in a local exhibition which was to be held in Sunamganj, Sylhet for a week from the 5th February, 1960. The Passport Officer of the East Pakistan Government, however, returned the passports after keeping them for ten days on the ground that his office was not aware of any exhibition being held in Sunamganj and hence it was not possible for him to consider the grant of visas for that place. Our mission, thereafter, approached the Home Department in Dacca but were told on the afternoon of the 4th February, 1960 that visas could not be given without reference to Pakistan Government.

The Government of India have not taken any action in the matter.

Shifting of NEFA Offices

1100. Shri P. C. Borooah: Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that most of the offices of NEFA at Shillong are going to be shifted to Ziro in the Subansiri Division;

(b) if so, when; and

(c) the reasons therefor?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) It is proposed to appoint a separate Commissioner under the Governor of Assam for the administration of NEFA with his headquarters in Shillong. It is considered desirable, however, that the headquarters should be shifted to the interior of NEFA as soon as possible. Ziro, in the Subansiri Frontier Division, is being considered as a possibility for locating the Commissioner's office because of the availability of space there and its comparatively easy accessibility. . .

(b) No firm date has been fixed and the matter is still under examination. . .

(c) For administrative convenience it is desirable that the headquarters of the Commissioner should be located within his jurisdiction.

Co-operative Industrial Estate at Ujjain

1101. Shri P. C. Borooah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that a Co-operative Industrial Estate is going to be set up at Ujjain; and

(b) if so, when and the estimated cost thereof?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) The foundation stone for the industrial Estate at Ujjain was laid on the 27th February, 1960. The estimated cost, according to the information received from the Bharat Industrial Co-operative Society Ltd. Ujjain,

which is establishing the Industrial Estate, is Rs. 22.5 lakhs.

Waste from Leather Industry

1102. Shri P. C. Borooah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total estimated waste from the leather industry per annum;

(b) whether Government have any comprehensive scheme for the proper utilisation of the waste for by-products; and

(c) if so, the details thereof?

The Minister of Industry (Shri Manubhai Shah): (a) As the bulk of leather and leather goods are manufactured in the small-scale and cottage sectors of the indutry, it is difficult to make an accurate estimate of the waste from the leather industry. Since, however, the by-products of leather and leather goods are being made use of, the waste, if any, would only be nominal.

(b) and (c). These do not arise, in view of the answer to part (a) of the Question.

Tea Estates of Foreigners in India

1103. Shri Arjun Singh Bhadauria: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of tea estates under the ownership of foreigners in the country; and

(b) their annual production?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) The number of tea estates owned by Sterling Companies was 418, and the number of estates owned by Rupee companies under foreign management was 199 as on 31-3-1959.

(b) The annual production of sterling companies comes to 375 million lbs. approximately. Separate production figure for such rupee companies as are managed by foreigners is not readily available.

Employees in the Offices of Ministry of Rehabilitation

1104. Shri Arjun Singh Bhadauria:
Shri S. A. Mehdi:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state how many Gazetted Officers and other employees in the Offices under the Ministry of Rehabilitation have been served with notices for termination of their services in February, 1960, Office-wise?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): A statement is laid on the Table of the Sabha. [*See* Appendix II, annexure No. 63].

छावनी बोर्डों के कर्मचारी

११०५. **श्री भक्त दर्शन :**
श्री मधुसूदन राव :

क्या श्रम और रोजगार मंत्री २२ फरवरी, १९६० के तारांकित प्रश्न संख्या २९९ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) छावनी बोर्डों के कर्मचारियों की मांगों के बारे में राष्ट्रीय न्यायाधिकरण द्वारा दिये गये पंचाट की मुख्य-मुख्य बातें क्या हैं; और

(ख) उन निर्णयों को छावनी बोर्डों से लागू कराने के लिये क्या कार्यवाही की जा रही है ?

श्रम उपमंत्री (श्री आबिद अली) : (क) ट्रिब्यूनल का फैसला भारत सरकार के असाधारण राजपत्र दिनांक ४ मार्च १९६० में प्रकाशित हो गया था । इसकी प्रति लोक-सभा पुस्तकालय में उपलब्ध है ।

(ख) १९४७ के औद्योगिक विवाद कानून की धारा १७ए के अनुसार फैसला प्रकाशन के तीस दिन बाद से लागू हो जायेगा ।

12 hrs.

MOTIONS FOR ADJOURNMENT

SUSPENSION OF SENTENCE ON COMMANDER NANAVATI

Mr. Speaker: I have received notice of an adjournment motion relating to the "suspension of the sentence on Commander Nanavati, who has been held guilty of heinous crime". This has been done by the Governor of Bombay. All the same, is the hon. Prime Minister willing to say anything?

Some Hon. Members *rose—*

Mr. Speaker: I am not going to allow a discussion on this. It is a purely State matter, the action of the Governor.... *(Interruptions)*.

Shri Hem Barua (Gauhati): This cannot be a State matter. This is an attack on the Constitution. According to law, all persons are equal, but a few persons seem to be more equal than others.

Shri Tyagi (Dehra Dun): It is not a matter pertaining to the States; it is a matter of constitutional propriety.

Shri Mahanty (Dhenkanal): On a point of order.

Shri C. K. Bhattacharya (West Dinajpur): This is a most unusual happening. Such things do not happen every day.

Shri Tyagi: It is a constitutional matter, not a matter of State alone.

Mr. Speaker: Let me, first of all, hear the point of order.

Shri Mahanty: My point of order is that it is most unusual that the actions of the Governor should be discussed on the floor of the House. The suspension of the order is under the clemency powers of the Governor, which is a prerogative exclusively conferred on the Governor.

Shri Tyagi: No question of clemency.

Mr. Speaker: Order, order. Let us hear him.

Shri Mahanty: What I beg to submit as a point of order is that whatever the Governor has done, he has done under the exclusive privilege or prerogative guaranteed under the Constitution. I beg to submit that the actions of the Governor cannot be discussed on the floor of the House in this way. So, I beg of you not to allow the matter to be proceeded with.

Shri Rajendra Singh (Chapra): As I have given notice of the adjournment motion, may I point out.....

Mr. Speaker: Order, order. Let us hear the Prime Minister.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): It is for you to determine the propriety of any such motion, but, *prima facie*, of course, this matter does not concern this House. Nevertheless, I quite understand that members should be exercised about what they might think to be an unusual occurrence. I should like to state the facts insofar as we are concerned about this matter.

As the House knows, Commander Nanavati was tried at length and by a very considerable majority of the jury he was held not guilty. Thereafter, the Judge referred this matter to the High Court, and the High Court have come to the decision that he was guilty of the charge made against him. Even though they have paid, I believe, a compliment to the Commander as an officer who has ability, they have said, quite rightly, that the law must have its course. Now, obviously, the law must have its course and nothing that the Bombay Government or the Central Government might say or do should come in the way of the law having its course. It is not an arguable matter. We stand by it and nothing, if I may say so, was ever under the contemplation of any Government which might indicate any disrespect to the Bombay High Court or its Judges.

Now the facts are that on the night or late evening of the 10th of March, I came to know, I was informed, of

[Shri Jawaharlal Nehru]

the judgment that had been delivered almost comple ely—there was a small left-over—in this case by the hon. Judges of the Bombay High Court, that some representatives of Commander Nanavati had approached the Bombay Government—some representative of the Government—and suggested or told him that they propose to prefer an appeal to the Supreme Court, naturally going up to the Bombay High Court for permission to do so. They appea ed to him, to the Government to suspend the sentence till the application for appeal was being considered. It was a matter really of some days, not a long period, and there was a gap period in between. Well, the Bombay Government representative told them this was an unusual procedure and that they (Bombay Government) would like to have the opinion of the Central Government. He told those representatives of Commander Nanavati to approach the Central Government.

Shri Rajendra Singh: May I know the name of the represen'atives on behalf of Commander Nanavati who approached the Government?

Mr. Speaker: Let us first hear him patiently.

Shri Jawaharlal Nehru: There were written applications on his behalf. Then they came to me, as I said, late in the evening of the 10th March. This was a legal matter which was not wholly within my ken. So, I asked them to see our Law Minister and I myself got in touch with the Law Minister and requested him to go into this matter and advise me. The Law Minister was good enough to go into it and next morning, that is, 11th March morning, or rather afternoon, we had a talk, the Law Minister and I. The Law Minister said that this is going to be an appeal to the Supreme Court, the matter will go before the Bombay High Court for permission and that it will be for the Bombay High Court or the Supreme Court to consider this matter from the point of view of giving an extension to Naval custody, because there was the original order of the Bombay High Court for Naval custody, and that they will consider it. But there was slight gap period between this decision of the Bombay High Court and the decision on the application for leave to appeal. We are concerned with that period.

Now, I was informed that in case Commander Nanavati was sent to prison for this period now, under the rules of the Navy his future would be affected.

An Hon. Member: How?

Shri Jawaharlal Nehru: Of course, whatever finally the decision is, we have to fulfil that. If the High Court or the Supreme Court decide that he must act in a par'icular way, we have to do it; there is no question about that, but there was no opportunity during this gap period, possibly some days, of that matter being cons'dered in that light. The Law Minister, therefore, advised me that it would be completely in order if this provision of the Constitution were to be used in order to suspend the execution of the sentence for the period till the disposal of the application for leave to appeal to the Supreme Court. I agreed with him. Thereaf'er, I got in touch with the Chief Minister of the Bombay Government on telephone and told him that this was our view in this matter and we were going to consider it. I also got in touch with the Governor and told him this and asked him to confer with and consult the Chief Minister. This has been, so far as we know, what we did.

Naturally I assume full responsibility for all this. The Chief Minister was good enough to accept our advice and to tell the Governor accordingly. The Governor thereafter issued that order, whatever it is. So the responsibility for this certainly lies with the Governor on the advice of the Chief Minister. But in effect it was our advice to them for them to accept or not. I do submit that far

from going against the Constitution, it is respectfully within the Constitution. There is no doubt about it.

A question may arise though it was within the Constitution whether it was quite proper. It is legal and constitutional. That is not arguable. But whether there was any impropriety in this that question may well arise not really in this House but otherwise. Therefore I ventured to give these facts. As I said, we advised that the suspension should be till the disposal of the application for leave to appeal to the Supreme Court which meant more or less, I cannot exactly say, a number of days—a relatively brief period. After that, the matter will be considered by the High Court and the Supreme Court if the appeal is admitted. At that moment the High Court or the Supreme Court can consider independently of this order the extension of the period for Naval custody, that is, the original order. I cannot say of course what they would be pleased to decide. But it is that short period that was intended to be covered. I have not actually seen the order issued by the Governor. So I cannot precisely say what the terms of it are. But this was the intention and it is proposed to carry out that intention whatever the precise terms of the order might be. I submit that it is not only constitutional but there is no impropriety in the circumstances and there is absolutely no question of any disrespect to constituted judicial authority.

Shri Hem Barua: I want a clarification...

Mr. Speaker: Let me first of all dispose of the point of order. Then I will come to the rest of it.

May I know from the hon. Prime Minister as to what the jurisdiction of the Central Government is to advise the Governor?.... (*Interruptions.*) Order, order.

Shri Jawaharlal Nehru: The Central Government is in constant touch with the Chief Ministers. The matter was referred to us indirectly by the Chief Minister. We naturally gave him our advice on the subject.

Mr. Speaker: If it is a matter on which under the Constitution the Central Government can advise, then I have only to consider, whether I should allow any discussion.... (*Interruption*).

Some Hon. Members: Yes.

Mr. Speaker: Order, order.

I can allow discussion on all matters for which the Central Government is responsible to this House. With respect to other matters in regard to which the Central Government is not responsible here, however important the matter might be, it would not be proper for me to allow a discussion by stretching jurisdiction which we do not have. If, under the Constitution, the Central Government is competent to give advice, then I will certainly go into the further material and the subject matter.

Now, a point of order has been raised by Shri Mahanty. He drew my attention to article 161 of the Constitution. Article 161 says:

> "The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends."

The Governor can grant pardons. Independently, possibly the President also can do so under the Constitution. This was on advice indirectly sought and given to the Chief Minister. Now, under the Constitution it is the Governor who has intervened and suspended this sentence which he is competent to do under article 161. It is exactly because the hon. Prime Minister has given advice that evidently this adjournment motion is brought here. I will treat that advice as only

[Mr. Speaker]

departmental advice and not given under the Constitution.... (*Interruption*). Under those circumstances.... (*Interruption*). No, no; I am not concerned with it.

Shri Surendranath Dwivedy (Kendrapara): Is a State Government a department under the Government?

Mr. Speaker: It is not so. Here I am concerned with the constitutional aspect of it. Ordinarily the Central Government need not have given any advice to the Governor. He ought to have done so himself as the Governor is the head of that particular State. If they have sought advice, that advice has been given. I would even ask the hon. Law Minister to give me advice as to under what article of the Constitution the Central Government is entitled to give advice. I will ignore that advice and act upon this that under article 161 of the Constitution the Governor is competent to suspend the sentence. I would like to have clarification from the hon. Law Minister.

The Minister of Law (Shri A. K. Sen): Mr. Speaker, Sir, the administrative relations between the Centre and the States are set out in article 256 of the Constitution and the jurisdiction of the constitutional powers of the Centre in relation to the States come into play. It is in Part XI, Chapter II, article 256 onwards. These are the powers which are exercisable by the Centre in relation to the States and if they are exercised they must be obeyed by the States. But the present advice is not within the purview of that Chapter at all. It is an advice which in the course of the functioning of the two Governments is always given in the course of the day-to-day administration of the Centre and the States. Take for instance..... (*Interruption*).

Shri Rajendra Singh: Is it within the ambit of the Constitution?

Shri A. K. Sen: Unless there is any prohibition under the Constitution, I presume there is no constitutional impropriety in either the hon. Prime Minister or the hon. Home Minister or the Central Government giving this advice on any matter which may even fall exclusively within the jurisdiction of the State. It is then a question for the State either to accept or not to accept such advice. If it were an advice which was to be given under the Constitution, under Chapter II of Part XI, then it would not have been a discretionary matter for the State either to accept or not to accept. But in these matters.... (*Interruption*). I hope the hon. Members will give me a little time to make these points. In regard to many States subjects which are exclusively within the States' jurisdiction, like agriculture, education and various other matters, though the executive power in relation to these subjects belongs exclusively to the States, yet the Centre gives advice in regard to these matters extensively and regularly. This advice may either be accepted or not accepted by the States. This is a matter falling purely within the routine administration of the State in the course of which the State wanted to have the views of the Centre. The hon. Prime Minister gave his views knowing fully well that it was a matter in which it was completely open to the State Government either to accept or not to accept those views. They have accepted them in this case. In the other case they might have disagreed or might not have accepted the advice of the Prime Minister. I do not see any question of the hon. Prime Minister not being able to give advice in regard to a matter which falls exclusively within the State's jurisdiction. I suppose the day will never come when the Central Government will refuse to give advice to the States in regard to matters falling even within the exclusive jurisdiction of the States.

Mr. Speaker: Am I to understand the hon. Law Minister to say that it is not a direction which is given under article 256?

Shri A. K. Sen: No, Sir. Certainly not.

Mr. Speaker: It is not a direction given under article 256 and therefore it is not in discharge of any statutory ob igation because it is open to the Central Government to give advice or to withhold the advice and it is equally open to that Government to accept that advice or not to accept that advice, whereas under article 256 if advice is given it amounts to a direction and under a later article of the Constitution if the State Government does not carry out that direction an inference can be drawn from that fact that there is a breakdown of the Constitution and the emergency powers can be invoked. It is clear from the hon. Law Minister's statement that this advice that has been given is not in exercise of the powers under article 256. Therefore, it is a purely voluntary advice that was given. (*Interruption*). I am here to decide whether, in the discharge of the responsibilities of the Centre, there has been anything done which this House can take notice of. So far as that advice is concerned, it is open to the Governor to accept or not to accept that advice. It is equally open to them to have sought the advice, or not to have sought the advice.

Under the circumstances, the only point is whether the act of the Governor can be called to question in this House. The Governor is the head of a State. There is a Ministry there. There is also a legislature there. I do not know how far that legislature can go into that question, it is not for me to decide whether even that legislature can go into the matter or not, when the Governor is authorised to do so. He may do so in consultation or not the matter does not arise.

So far as this matter is concerned, I am more than ever convinced that this is exclusively within the jurisdiction of the head of the State who exercises discretion in the matter, and therefore, this House has no competence to go into this mat'er. If such advice is given, it is an informal advice.

Shri T. B. Vittal Rao (Khammam): How can it be?

Shri Goray (Poona): May I draw your attention to one point, that the Prime Minister did not give advice only to the Chief Minister of the State, but he said he also had a talk with the Governor.

Mr. Speaker: I leave it to the Central Government to give such advice as they feel competent, and I am not going to allow adjournment motions relating to matters where strictly under the Constitution the Central Government is not responsible for any act.

Shri Hem Barua: The Prime Minister said he takes the responsibility.

Mr. Speaker: Hon. Members will kindly hear me. I am disposing of the point of order. In view of the fact that this leads to complications, I would like the Central Government to exercise this power of giving informal advice in as few cases as possible.

Shri T. B. Vittal Rao: What is this?

Shri Jawaharlal Nehru: May I submit that informal advice has to be given in as many cases as possible, not as few. (*Interruptions*). If the hon. Member will permit me, what you have been pleased to say is perfectly correct; in such cases, the question does not arise, it is a very rare case; but in the broad acceptance of the term, this informal communication, as my colleague the Law Minister said, is a daily occurrence between the Ministries, the Prime Minister, the Home Minister, the Law Minister and every Minister and the respective Governments. That does not mean direction, but it means an attempt to help each other. We ask their advice, they ask our advice; it is a two-way traffic very often; so that, to say that we should not give informal advice and issue only directions would be exceedingly embarrassing.

Mr. Speaker: I shall explain myself.

Shri T. B. Vittal Rao: The Prime Minister says he is taking the responsibility. (*Interruptions*).

Mr. Speaker: All that I meant was that very often matters come up here as to the advice given. There are consultations between the State Government and the Central Government, but it is not necessary for the Central Government to tell us what advice they gave. Very often they say it is all confidential, and they are not going to give it. If the Prime Minister had only said that what passed between him and the others was confidential, I would not have worried myself. Therefore, whatever might be the situation, in the discharge of their duties they may consult the hon. Prime Minister and the other Ministers, and they may give advice, but so far as we are concerned, I will not take note of that advice.

Shri Hem Barua: Even if he takes the responsibility? (*Interruptions*).

Mr. Speaker: I agree with the point of order. All that I can say is that I cannot contravene the Constitution and the powers vested here, and allow a discussion over a matter which is entirely within the discretion of the Governor, whether he has exercised it rightly or wrongly.

Shri Goray: It has a far-reaching effect.

Mr. Speaker: The exercise of the discretion may be wrong or right, it is not for this House to decide; it is for that House to decide, or other parties.

Shri T. B. Vittal Rao: No, no.

Mr. Speaker: I agree with the point of order, and disallow this motion.

Acharya Kripalani (Sitamarhi): Is this question so narrow that it can be decided only on technical grounds? Does it not involve a question of some class of persons being treated in a discriminatory manner,.....

Shri T. B. Vittal Rao: Superior to everybody.

Acharya Kripalani:.....as superior citizens? The Prime Minister has certainly the right to advice, but I know that though the word "advice" may be used, it is pertinent to ask from whom the advice comes. If the advice comes from a person who holds a position which is very much superior to that of the person to whom he gives the advice, it is almost a command.

After all, what was at stake? What was at stake was the convenience of an officer, and that too for a short time. It is not right to say that if the judgment is reversed, the gentleman concerned cannot again be put into office. The Prime Minister spoke as though if he once goes to prison, his career would be ruined. There is no such thing. That the Governor exercised his authority is technically correct. But it is done in very, very exceptional cases.

Shri Surendranath Dwivedy: It has not been done before.

Acharya Kripalani: It is not done for the convenience of an individual because he belongs to a particular class of people.

It may be even suspected by the people that this class of people is being put over the other classes because it is the military class. In the past too the military had, under the foreign Government, certain privileges which were not granted to the common citizen.

Therefore, I would request you not to consider this question merely on technical grounds. The case is *sub-judice*. If it had been decided, I could have understood the use of the Governor's powers of mercy, but it is *sub judice*, it is a question of a few days only as the Prime Minister himself says. I think this interference does not make for the dignity of the judiciary. . .

After all, we have got four things that make our democracy to function that make our democracy to function properly. First is the legislature. In the legislature, unfortunately for us, on account of the overwhelming majority of one party, we have very

limited scope. Then comes an independent judiciary; then financial control by an independent audit; and the fourth is the Public Service Commission. If any of these institutions is tampered with, and on an occasion which does not require it, I think our democracy stands in danger. I am not talking here as a party man, belonging to the Opposition, but I think the whole country is shocked by this kind of conduct.

Shri Tyagi: May I seek your ruling on a matter?

Mr. Speaker: I have already given my ruling.

Shri Tyagi: I want a clarification of the ruling.

You have been pleased to rule that advice which is outside the purview of the Constitution, advice given without the Constitution, shall not be a matter of which Parliament can take notice. I beg to submit that advice given by the Prime Minister and advice given to a Governor who is our representative in the State and advice on an official matter, is the only one question which is most pertinent and relevant for this House to consider,—I am speaking not with any party bias, but purely on a constitutional ruling of yours—because, if this becomes a convention for the future, a precedent, then we shall have no control over the advice tendered by Ministers. They could always say, it was a private advice or something I think in such matters which affect the procedure of the judiciary or anything like that, any advice tendered by our Ministers is our responsibility and, therefore, I suggest we might reconsider this matter. In a matter like this, where the rules of the Navy came in the way, I should have advised the Prime Minister—if I were in a position to do so—to suspend the rules of Navy rather than interfere in the matter because that was his business. We could do it; Government could suspend the rules of Navy. Rules of the Navy were not so sacrosanct as the judiciary was and I would, therefore, suggest that these matters are regular matters which the House could consider.

Raja Mahendra Pratap (Mathura): I beg to say a few words....

Mr. Speaker: Order, order. Shri Mukerjee.

Shri H. N. Mukerjee (Calcutta—Central): I beg of you to consider this matter a little more carefully because it affects our interpretation of the Constitution in letter and in spirit.

Mr. Speaker: The hon. Member has got a right to criticise the Government but never does he fail to criticise me also. I have considered it carefully. He need not use that expression.

Shri H. N. Mukerjee: My submission is that it is necessary for us to consider this matter more carefully than we appear to have done so far because.....

Mr. Speaker: I am afraid that has become part of his nature.

Shri H. N. Mukerjee: I shall put my case without any preface. The Members of the Council of Ministers including the Prime Minister are responsible, according to the Constitution to this House. In regard to a certain thing which has happened, the point whether the Council of Ministers is responsible to this House or not has come into question. I know for a fact that what the Governor of Bombay State has done on the advice presumably of his Chief Minister is within the ambit of his jurisdiction. There is no doubt about it. But it has come out in this House—accidentally or otherwise, I do not know, I have heard it said by the Prime Minister—that it was the Prime Minister from Delhi who gave a certain advice to the Chief Minister of Bombay State as well as personally over the telephone to the Governor of Bombay State. It has also come out, as far as I can understand, that this "advice", so-called, of the Prime Minister, which my friend Acharya Kripalani has very correctly

[Shri H. N. Mukerjee]

characterised as a direction, preceded in point of time any decision made in regard to this particular case by the Governor of Bombay on the advice—if he got it at all—from his Chief Minister. That being so, the responsibility of the Prime Minister in regard to what happened over this case is absolutely clear.

We are not going into the merits of the matter as to whether a high officer of the Army or the Navy is concerned. That is a matter which, if necessary, we shall discuss in this House. But surely there is discrimination involved in this extra-ordinary intervention of the Prime Minister in a matter where the law might very well have been permitted to take its course, where the Governor might in his wisdom or on the advice of the Chief Minister have suspended the sentence concerned, in a matter where the Prime Minister had no business to interfere. It so happened that—for heaven knows what reasons—he felt impelled to send telephone message to the Chief Minister of Bombay State and to the Governor of Bombay. It may be for very good considerations, humanitarian considerations, which I personally might sympathise with, but as far as the constitutional aspect of the question is concerned, surely the Prime Minister appears to have done something for which he is answerable to this House. I am not telling you that he is definitely to be hauled over the coals, but the House has a right to demand a discussion over this matter where the responsibility of the Prime Minister and his Government can be fixed rightly and properly and that is why I say it is not for you to rule as you appear to have ruled earlier. I am sure you will, Sir, reconsider the matter and give us an opportunity of discussing it. (*Interruptions*).

Raja Mahendra Pratap: It is a moral question. I want to say a few words. I believe that the Governor has done right in suspending the order because this was a very serious question where a wife of the naval officer was tempted by wealth. If someone does not mind one's wife being tempted, that is another question. But this is a very serious question when a naval officer's wife was tempted. (*Interruptions*).

Mr. Speaker: I have already heard him.

Acharya Kripalani: Wife is not anybody's property. We have allowed divorce to women; we have given equality to them. We cannot deny them freedom to love.

Mr. Speaker: After all, Acharyaji has given a humorous turn to a very serious matter.

So far as this matter is concerned, I agree that it has exercised the minds of many hon. Members. According to him, it is not a case where the Centre or the hon. the Prime Minister could have given advice and there is an apprehension that in such cases wherever the Prime Minister, whether in his official capacity under the Constitution he exercises powers or not, wherever he gives an advice, naturally no Governor or any Chief Minister in any State would easily discount the advice that is given (*Interruptions*). Acharya Kripalani said that it is not a matter where a death sentence has been passed and before any advice is given or an order of suspension is given, the man would be hanged and the injury caused cannot be undone.

These are all points in favour of the argument that this matter ought to be discussed, whether it is right or wrong. Possibly I might have allowed a discussion if I felt satisfied that under the Constitution the Central Government is bound to give advice and the State Government is bound to take advice. Neither the one nor the other happens to be the case here. Now, as the Prime Minister has said, there are a number of cases where it is possible for the Centre to give advice from time to time on various matters. All that I would say is that

all those pieces of advice that are given not under the Constitution but in the interest of the administration, for the exchange of experience, and so on, are not brought before the House and the House told that such and such advice has been given. It was open to the Prime Minister to have said, "No, no. What happens between me and others is confidential." The only misfortune is that we have got the information here that he has given an advice. If I throw open this discussion, then almost every second day for whichever fault a Minister commits there in the State and if some whisper comes in that it was done on the advice of the Central Government, I will have endless series of adjournment motions, not on account of any act done here but on account of an act done by a Minister in the State on the advice of so and so. Therefore, I would appeal to the hon. Members to consider if merely because of one particular matter which may be of much substance—maybe a serious one—I should throw open flood-gates and allow the bringing forward of a similar happening here and clothe the Central Government with responsibility. They would kindly consider this matter. I am aware of the seriousness of this matter. Under those circumstances, let us not create a precedent which will be used for purposes not in our contemplation and then spend away much time of the House and exercise jurisdiction over the matters over which we really have no jurisdiction under the Constitution.

Enough has been done. I have allowed opportunities to hon. Members also to say what they felt in this matter. My original order stands that I am not going to interfere and I agree with the point of order.

Shri Rajendra Singh: Do you mean to say that the Prime Minister should be allowed to hand over the destiny of the country to the Navy or the Army? In that case parliamentary democracy would be crushed to pieces.

ALIGARH MUSLIM UNIVERSITY

Mr. Speaker: Order, order. There is another adjournment motion which I have got from Shri Rajendra Singh. I would like to hear the hon. the Education Minister. There was a half-an-hour discussion relating to the affairs in the Aligarh University. The hon. the Education Minister said that a Committee had been appointed by the Vice-Chancellor to go into this matter. From the reports, it appears that the Vice-Chancellor of the University and every other member has resigned.

The other matter was not considered here because the Vice-Chancellor himself was going into it and appointing a Committee. Now, the Committee has been dissolved and all the members have resigned what is the situation?

The Minister of Education (Dr. K. L. Shrimali): The Demands for Grants of my Ministry are going to be considered today in the afternoon and also tomorrow. If you will kindly permit me, I will explain the whole position tomorrow afternoon.

Mr. Speaker: Very well.

Shri Rajendra Singh: The half-an-hour discussion was held in this House and certain charges were brought by my hon. friend Shri Prakash Vir Shastri. So far as my information goes, the hon. Minister was given a note by the Vice-Chancellor in which he explained certain facts. The hon. Minister withhold that fact from the House. Again, as far as I know, the members of the enquiry committee were the nominees of Education Minister and technically they were appointed under the auspices of the Vice-Chancellor. These are the two points which are really serious, because the hon. Minister seems to run away from his responsibility, and if that is allowed to happen in this House, it would be difficult for the officers and the Vice-chancellor to work.

Mr. Speaker: I shall allow opportunities to the hon. Member.

Dr. K. L. Shrimali: It was not my intention to raise any public controversy with regard to a University, and I have been avoiding it all these months, but since the hon. Member has now alleged that I was suppressing the truth, I would place the full facts before the House tomorrow afternoon, after the Demands for Grants relating to my Ministry have been discussed.

Shri Surendranath Dwivedy: That may be helpful.

Shri Raghunath Singh (Varanasi): I have tabled to short notice question also on this matter.

Shrimati Renu Chakravartty (Basirhat): He should place a statement on the Table of the House in the morning, so that before the Demands for Grants relating to the Education Ministry are taken up, we may be apprised of the whole thing.

Mr. Speaker: The Demands for Grants of the Law Ministry come up first.

Shri Surendranath Dwivedy: The Demands for Grants of the Education Ministry are coming up tomorrow.

Mr. Speaker: I shall give opportunities to hon. Members.

Dr. K. L. Shrimali: I am in your hands. If the House wants that I should make statement before the discussion takes place, then, not today, but tomorrow, after the Question Hour, I shall be very glad to make a full statement.

Shri Raghunath Singh: I have given a calling attention notice and also a short notice question on this subject.

Mr. Speaker: Very well. He will take notice of that also. I do not give my consent to this adjournment motion.

12.42 hrs.

WITHDRAWAL OF CERTAIN OBSERVATIONS MADE BY DEFENCE MINISTER ON 10 MARCH 1960

Mr. Speaker: There is one other matter with respect to which this morning I have received motions of privilege or notices to the effect that a question of privilege arises.

The matter arises out of this. On the 10th March, 1960, that is, on the final day when the general discussion on the General Budget was going on, the hon. Minister of Defence intervened. During the course of his speech, he made certain remarks or observations with respect to which there and then some exception was taken, and the hon. Deputy-Speaker who was in the Chair said that he would consider the desirability of expunging some of those observations.

Later on, Shri Goray sent me a letter taking exception to, and pointing out, the portions in the speech of the hon. Defence Minister, and stating that he was also of the opinion that these must be expunged and sufficient amends had to be made.

It is a long speech, and various matters have been referred to therein, but two points, particularly, out of the various items have been brought to my notice. Also, that is the subject-matter of the privilege motion.

The first one relates to this. Shri Mahanty had spoken earlier on the 8th March, that is, a couple of days earlier. Referring to that speech, the hon. Defence Minister seems to have said:

"That is an attitude of mind..."

Acharya Kripalani: He *said*.

Mr. Speaker: I am only reading out from the records. Instead of my saying 'He seems to have said',

the hon. Member wants me to say 'He said'. Very well. I find from the records that this was what the Defence Minister said:

> "First of all there is no ever-increasing expenditure'. If the hon. gentleman thinks that the moral sanction of the House resides in him, he is very much mistaken. That is an attitude of mind that requires treatment other than by my answering by speeches.".

It is thought that this contains a threat.

An Hon. Member: Yes.

Mr. Speaker: As regards the other one, the complaint is this. (*Interruptions*) Order, please.

Shri Goray (Poona): May I point out that there are two more sentences which are equally objectionable? I would like to read them out.

Mr. Speaker: I am not going to look into them, because this refers only to these two portions.

Shri Goray: If you give me some time, I shall explain it.

Mr. Speaker: We are not going into the whole question now. Let us assume that the debate goes on now, and I decide to expunge particular portions; it is not the whole speech that will be expunged. The hon. Member has drawn my attention to particular portions.

I am aware of what exactly the other portions are that can be expunged, and much can be said on this side as well as on the other side.

The two points that have been raised are the two portions to which exception has been taken in this letter, and to which pointed attention has been drawn. I shall confine myself to these. As a matter of fact, I need not even ask the hon. Member, for, I consulted the Deputy-Speaker also, and he took time to consider whether they should be expunged or not. I may straightway give my ruling here.

But, so far as expunction is concerned, I would like to have a precedent or follow a convention that whenever an hon. Minister makes a statement which is considered defamatory or undignified, instead of my exercising the right, that is, instead of the Chair exercising the right to expunge such portions, I would like that the hon. Ministers themselves, when that is the sense of the House or the opinion of the Speaker, should explain to the House or withdraw that portion; that will be more graceful. Therefore, I did not want to exercise that right myself, and I have brought it up before the House. Therefore, no new matter need be introduced here now, except what happened on that day.

The second portion relates to the observations made by Shri Morarka earlier. He referred to some remarks of the Auditor-General, or he read out evidently from the report of the Auditor-General relating to the Defence stores and so on. In replying to that, the hon. Defence Minister said—it is recorded as follows—

> "This is a statement from the *Audit Report*, 1959 which is, in essence, an *exparte* statement.
>
> 'Despite repeated exhortations by successive Public Accounts Committees and assurances given by the Ministry, these provisions continue to be disregarded by the administrative authorities. Fictitious financial adjustments intended to conceal lapsed grants or to cover up excesses over allotments were noticed in a number of Engineer Divisions.'.".

This was part of the *Audit Report*. In connection with his observation in the Audit Report, the hon. Defence Minister said:

[Mr. Speaker]

"If it had not come from the Auditor-General and we were not familiar with it, and if I so wanted to say—I do not want to—I could have said that this was a malicious over-statement but I do not intend to say so, Sir.".

Now, exception is taken to this remark, saying that it is not proper and it is derogatory to the position of the Auditor-General, whose duty it is, under the Constitution, to make a report to this House, without fear or favour, and look into various matters. He is practically the person who advises us on the financial aspects. He is an independent authority whose conduct cannot be impeached in this manner; there are special provisions so far as his removal etc. are concerned, if such a situation arises, but otherwise, nothing shall be said against his remarks, whatever he might say, and however strong the language that might have been used by him may be.

The hon. Deputy-Speaker agrees that those portions ought not to stand as they are. But, anyhow, I shall give an opportunity to the Defence Minister.

An Hon. Member: He must make amends for it.

Mr. Speaker: I request him to withdraw these passages. Hereafter, nothing shall be said to detract from the position of the Auditor-General.

Shri Goray: And also Members of Parliament.

Mr. Speaker: Of course, Members of Parliament also.

Shri Supakar (Sambalpur): On a point of information.....

Acharya Kripalani: Have you, Sir, received any communication from the Auditor-General, and if so, may it be placed on the Table of the House, because it is not a personal communication to you, but it is a communication, I think, through you, to the House?

Mr. Speaker: I have it here before me, but I do not know why he has said 'SECRET'.

Shrimati Renu Chakravartty: Acharya Kripalani seems to know about it. We must know what that communication is.

Shri Goray: The hon. Member also knows it.

Mr. Speaker: If some person writes to me and says it is 'Secret', without consulting him I do not want to place it before the House. The point is this. He refers to.....

Some Hon. Members: We must know what it is.

Mr. Speaker: There is nothing specially secret. I am confiding in the House. There is nothing secret in what he has written, though, evidently, he thought that he might not straightway write to the Speaker, or I do not know what passed in his mind.

Shri Goray: He may have been afraid of the Defence Minister.

Mr. Speaker: All right, the hon. Member knows much more than we know.

The point that he has raised is this. He refers to the constitutional aspect of it. Under the Constitution, he is bound to, in the discharge of his duties, find out mistakes, and because he found these errors from time to time, he had to use this language, and therefore, he did say that there was absolutely nothing wrong in what he had done. And he takes exception to the words attributing motives, he says that it is wrong, and it ought not have been done, and if that is allowed, then he would not be able to discharge his duty, nor would the host of subordinates that are doing that work under him would he able to discharge their duty.

So far as his position is concerned, I do not think any Member here assails it or desires to assail it. His position is unique under the Constitution.

Now, so far as the Defence Minister is concerned, does he want to say anything?

The Minister of Defence (Shri Krishna Menon): Mr. Speaker, I do not want to explain any of these, because it is likely not only to convey the wrong impression but in a sense make the expression of regret qualified. Therefore, I would like to express my regret in regard to these two statements, to which you have made reference, and request that, as you direct, they may be withdrawn.

Mr. Speaker: In view of the Defence Minister's statement, both the portions to which I referred, one relating to Shri Mahanty's observations and the other relating to the Auditor General, will be treated as withdrawn. We accept the hon. Defence Minister's expression of regret. I am sure the House will accept it and close this chapter. He has expressed his regret without attaching any conditions to it.

Acharya Kripalani: May I suggest that there is no need for withdrawal because it is the record of the House, and it may be kept as it is? What the Defence Minister has said now may also be kept on record.

Mr. Speaker: Yes. I am treating them as withdrawn; I am not expunging them from the record. Both these will appear in the record.

12.52 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORTS OF NATIONAL INSTRUMENTS (PRIVATE) LTD. AND ON THE ACTIVITIES OF COIR BOARD

The Minister of Industry (Shri Manubhai Shah): I beg to lay on the Table a copy of each of the following Reports:—

(i) (a) Annual Report of the National Instruments (Private) Ltd. for the period from the 26th June, 1957 to the 31st March, 1958 along with the Audited Accounts under sub-section (1) of Section 639 of the Companies Act, 1956.

(b) A Review of the working of the above Company. [*Placed in Library, See* No. LT 1986/60.]

(ii) Annual Report on the activities of the Coir Board for the year 1958-59, under sub-section (1) of Section 19 of the Coir Industry Act, 1953. [*Placed in Library, See* No. LT-1990/60.]

NOTIFICATIONS UNDER COMPANIES ACT AND COFFEE ACT

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): I beg to lay on the Table a copy of each of the following Notifications:—

(i) G.S.R. 220, dated the 27th February 1960 making certain amendment to the Companies (Central Government's) General Rules and Forms, 1956, under sub-section (3) of Section 642 of the Companies Act, 1956. [*Placed in Library, See* No. LT-1991/60.]

(ii) G.S.R. 274, dated the 5th March, 1960 making certain further amendment to the Coffee Rules, 1955, under sub-section (3) of Section 48 of the Coffee Act, 1942. [*Placed in Library, See* No. LT-1992/60.]

NOTIFICATION *re*: AMENDMENTS TO MOTOR VEHICLES ACT FOR EXCLUDED AREAS, ASSAM

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): I

[Shrimati Lakshmi Menon]

beg to lay on the Table, under sub-section (3) of Section 133 of the Motor Vehicles Act, 1939, a copy of Notification No. JUD.26/59 published in Assam Gazette, dated the 27th January 1960, making certain further amendments to the Motor Vehicles Rules for Excluded Areas, Assam 1942. [*Placed in Library. See* No. LT-1889/60.]

12.53 hrs.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:—

(i) 'In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (Railways) Bill, 1960, which was passed by the Lok Sabha, at its sitting held on the 7th March, 1960, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill.'

(ii) 'In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (Railways) No. 2 Bill, 1960, which was passed by the Lok Sabha at its sitting held on the 8th March, 1960, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill.'

12.53½ hrs.

PRESIDENT'S ASSENT TO BILLS

Secretary: Sir, I lay on the Table the following two Bills passed by the Houses of Parliament during the current Session and assented to by the President since a report was last made to the House on the 8th February, 1960:—

(1) The Appropriation Bill, 1960.

(2) The Imports and Exports (Control) Amendment Bill, 1960.

12.54 hrs.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED SUICIDE BY A DELHI STUDENT

Shri M. C. Jain (Kaithal): Under Rule 197, I beg to call the attention of the Minister of Education to the following matter of urgent public importance and I request that he may make a statement thereon:

"The suicide reported to have been committed by a student in St. Stephen's College hostel, Delhi, on the 17th February, 1960."

The Minister of Education (Dr. K. L. Shrimali): The principal of the St. Stephen's College, Delhi, has intimated that Shri Kamal Rekhy, a student of 1st year Economics (Hons.) was found dead in bed in the hostel on the 17th February, 1960 when the window of his room which was latched from inside was forced open. Shri Rekhy had applied to the Dean of the College on the 12th February, 1960 for leave for three days to go home on some urgent business and the leave was granted to him. The door of his room was locked from outside and bolted from inside. The window was latched and heavily curtained inside. When

the body started decomposing, the fact of his death came to be known.

The Police was called and they conducted enquiries into the case and came to the conclusion that this was a case of suicide. This belief of the Police was also supported by the discovery of a letter purported to have been written by the deceased asserting clearly that he was responsible for taking his own life. The handwriting of the letter was identified by persons who were acquainted with him. The body was duly postmortemed. From the evidence and the articles collected from the room, it has not been possible to establish exactly the circumstances leading to the tragedy.

श्री भक्त दर्शन (गढ़वाल) : दिल्ली में विद्यार्थियों की आत्महत्या की यह पहली ही घटना नहीं है। इससे पहले भी इस प्रकार की दो, तीन, चार घटनायें हो चुकी हैं। मैं पूछना चाहता हूं कि क्या माननीय मंत्री जी ने इस के कारणों का पता लगाने का प्रयत्न किया है, और क्या कोई ऐसे उपाय किये जा रहे हैं कि इस प्रकार की घटनायें आगे न हो सकें।

डा० का० ला० श्रीमाली : यही एक उदाहरण है, कारणों को ढूंढने की कोशिश की मगर पता नहीं लगा कि किस वजह से इस लड़के ने आत्महत्या की।

Mr. Speaker: He only wants to suggest that there may be a Welfare Officer going round the hostels and so on and finding out the facts in such cases.

12.56

*DEMANDS FOR GRANTS—*contd.

MINISTRY OF LAW

Mr. Speaker: The House will now take up discussion and voting on Demands Nos. 69 and 70 relating to the Ministry of Law for which 5 hours have been allotted.

Hon. Members desirous of moving cut motions may hand over at the Table within 15 minutes the numbers of the selected cut motions. I shall treat them as moved if the Members in whose names those cut motions stand are present in the House and the motions are otherwise in order.

The time-limit for speeches will, as usual, be 15 minutes for Members including movers of cut motions and upto 30 minutes, if necessary, for Leaders of Groups.

Motion moved:

DEMAND No. 69—MINISTRY OF LAW

"That a sum not exceeding Rs. 25,57,000 be granted to the President *to complete the sum necessary to defray* the charges which will come in course of payment during the year ending the 31st day of March, 1961, in respect of 'Ministry of Law'."

DEMAND No. 70—ELECTIONS

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 88,92,000 be granted to the President *to complete the sum necessary to defray* the charges which will come in course of payment during the year ending the 31st day of March, 1961, in respect of 'Elections'."

Shri Sadhan Gupta (Calcutta-East): Mr. Speaker, there are many important subjects which could be dealt with in connection with the Demands of this Ministry, but I do not propose to cover all of them, not even the majority of them, but only a few of them. The reason is, firstly, that there would be no time to cover everything, and secondly, many of these have already been discussed in the House in other connections.

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*Moved with the recommendation of the President.

[Shri Sadhan Gupta]

I shall confine myself only to certain matters connected with elections, with administration of justice and with the condition of the legal profession.

As regards the elections, the important thing today is to learn certain lessons from the elections recently held in Kerala. I am going to refer to certain matters not for explaining away the results—that is not my intention; the results have been accepted—but I want to refer to those matters to ensure free and fair elections in future, so that the lessons may be drawn and may be correctly applied to future elections, for that is essential for the proper functioning of democracy. Apart from that, I have to say something about the scheme of photographing electors which has been adopted in Calcutta.

Now, the first thing I want to say about the elections in Kerala is the religious threats offered by the Catholic clergy there. I again say I am not raising it for the purpose of explaining away the results; I am raising this matter because it is a serious matter. What has been done is this. You must have seen in the papers that the other day the Bishop of Trivandrum gave an order that all Catholic members of the Communist Party of India and of the Revolutionary Socialist Party must be ex-communicated. Not only that. He has further directed that those Catholics who have worked directly or indirectly for the Communist Party or the Revolutionary Socialist Party in the elections are to be denied the sacrament. The Bishop of Trivandrum has given this order and, I understand, throughout the elections, the Bishops in different places have issued these orders either in writing or orally.

This raises a very serious matter. The Bishop of Trivandrum, and, for the matter of that, every Catholic Bishop, has the right to dissuade catholics, or for the matter of that every Indian citizen, from joining the Communist Party or the Revolutionary Socialist Party or from working for the Communist Party or the Revolutionary Socialist Party. We have no quarrel about that. They may rail their very vilest against the Communist Party or the Revolutionary Socialist Party; we have no objection to that.

13 hrs.

Before independence, they railed against the Congress; after independence, they may rail against the Communist Party. We will be proud of the fact. But, then, the point is, it is not trying to dissuade by reason; it is not trying to dissuade politically. What the Bishop of Trivandrum and the other Bishops are trying to do is to wean away their fold by threat of consequences hereafter. What they threatened the Catholics with is ex-communication and denial of sacrament, which means to a devout Catholic that at God's great judgment seat, he will be condemned to eternal perdition. He will be condemned to eternal residence in Hell.

To a devout Catholic, Hell means much more than Hell to a devout Hindu. Among the Hindus, there is a spirit of penal reform in Hell; a term in Hell is not indefinite; after 5 years, 10 years, or 50 years or 100 years or even 1,000 years, he can come out and he can have a life of a worm or a dog or, perhaps, a man and then go back to whatever he deserves. Even after he has endured Hell, if he has any virtue to his credit, after this term in Hell he enjoys his term in Heaven. That is not the Catholic doctrine. If a Catholic does not secure the aid of the Church in this life, he is condemned to be eternally in Hell. That is a very serious matter for a devout Catholic. Whatever the reasons may be, whatever reason may be supplied to him politically, that reason flies in terror if he is threatened with these consequences. Similarly, there are other religions in our country where this kind of threat is going to have a very serious result.

Before and during elections, if this happens, it can be brought under the corrupt practice of undue influence. How can we prevent it after happening, after the elections? If a section of the community is threatened in this way, even after the elections, then they will be more careful during the next elections. That is why it is a problem of the fairness of the elections which should not be allowed to grow and which should be stamped out most firmly and with the utmost severity. I, therefore, suggest whether it would not be proper to make this kind of threat a criminal offence in future so that people who want to indulge in it may be deterred from doing so.

I will repeat, Sir, I am not saying so with a view to explaining away the results. I am saying so in order to ensure the fairness of the elections. Let there be all kinds of political persuasion to wean away the voters from the Communist Party or from any other party. Let us have the right to politically persuade them to get away from the Congress or the P.S.P. But, let not religion come into the matter and let any attempt to do it be firmly and determinately stamped out.

Another matter about Kerala is that there have been charges and counter-charges relating to the conduct of elections by all parties in Kerala. This is a unique thing. In all these years, it has happened the first time in the territory now covered by Kerala. There have been 5 elections—5 general elections—there from 1948 onwards. Never have such charges and counter-charges been levelled. The Election Commission, unfortunately, has taken the view that everything has been all right about the Kerala elections. This is very unfortunate in the face of these charges and counter-charges, and this needs investigation. This also I am not saying in order to explain away the results.

I would just give you one example which shows that things are not all right from whichever point of view you look at it. Some prominent Congress papers in Kerala published photostat copies of two ballot papers which were alleged to have been found in the polling booth outside the box in a particular constituency, and these ballot papers bore the vote in favour of the Congress. That was one side of it.

On the other side, it was found that the photostat copies revealed that one of the ballot papers had the serial number 1 lakh and odd and the other had a serial number 7 lakhs and odd; and the total number of votes in the constituency was only 1,50,000 or so. Therefore, *prima facie* 6 lakhs of ballot papers could not have been issued in respect of that booth.

It was, therefore, necessary to make a thorough enquiry as to whether any presiding officer had tampered with the ballot paper in order to deprive the Congress of their votes, in the first place. We will also agree to that kind of enquiry because we do not want to win a victory by stealing the Congress votes; we want to win a victory by genuine votes. Therefore, that enquiry has to be made. On the other hand, enquiry has also to be made as to how the ballot papers bearing the number 1 lakh and odd and 7 lakhs and odd had come to be issued in respect of one booth. This could not be so *prima facie*. All this should have been decided by a proper enquiry. The Election Commission should have taken steps to convince the electorate and the people in general—not only in Kerala but throughout the country—that elections were really conducted in a fair manner and neither the electoral officers nor the political parties manipulated the ballot papers in any particular manner

There are some other charges but I would not deal with them in detail. I have just given this in very brief to show the nature of things that have occurred or have been alleged to have occurred in Kerala. It is definitely necessary to hold an enquiry in this matter, to determine the responsibilities and the guilt of the persons concerned.

Another thing that happened in Kerala was the holding of the polling

[Shri Sadhan Gupta]

in one day. In normal circumstances, it is, perhaps, desirable because it speeds up election and it enables the results to be declared without influencing other results and so on, so that it would mean fairness in elections. But this amount of fairness cannot be ensured at the expense of freedom in elections.

For instance, it is said that what happened in Kerala was this. Because the polling was spread out, therefore, more than one policeman could not be provided in respect of one polling station. In certain places, certain *goondas* drove away genuine voters and introduced spurious voters in their place. Again, I am not explaining away the results. But it is quite clear that if the police force is inadequate in a particular area and if the election is fought in a state of tension, then, any political party which is strong in that particular area can capture the whole polling booth with spurious voters and shut out the voters of the other political parties. The policeman cannot do anything because one policeman cannot deal with the situation. Therefore, this aspect of the matter has to be kept in mind in holding polling in a short time in other places in future elections.

The marking system introduced in Kerala general elections has of course got this advantage that it prevents the persons carrying away the ballot paper because every ballot paper has to be given either to the presiding officer or put in the box. But the difficulty in Kerala was that the ballot papers were too thin and the ink on it too deep so that the symbols were visible on the reverse side of the ballot paper. Even the rubber stamp that was put by the voter was visible on the other side of the ballot paper. That means the secrecy of voting is gone. This should not be permitted in future elections. Either the ballot paper should be made thicker or the ink should be made lighter or the ballot paper must be folded once or twice more so that the symbol on the reverse is not visible.

Now, regarding the number of counting agents allowed, in Kerala the experience was, I believe, that one counting agent had to supervise four tables. I think it is the experience in every State. If you think that counting does not need any supervision, then of course, there is no necessity of counting agents at all but if you agree that counting does need supervision by counting agents—even where counting is absolutely fairly done, even there supervision is necessary and still more, supervision is necessary when there is suspicion that counting officers may do some foul-play—in either case, counting agents must be in a position really to supervise. One man cannot supervise four tables at a time. Therefore, either the number of agents should be increased or the number of tables should be reduced or both should be done at the same time so that one agent does not have to look after, say, more than two tables at a time.

Lastly, regarding the election, I come to the system of photography that has been introduced in Calcutta. A bye-election is pending in Calcutta and the system introduced is that every elector has to get himself photographed and unless he gets himself photographed, he cannot exercise his vote. Of course, what has happened in Calcutta is that Government photographers are chasing the electors and the electors are chasing the photographers because either the photographer does not find the elector at home or the elector does not find the photographer when he wants him. Sometimes, the electors are away from home from 6 A.M. to 10 P.M. and no photographer can catch him. Women want to be photographed by women alone. There are many women, particularly Muslim women and *purdah* ladies, who are determined not to be photographed. Then certain gentlemen, intellectually advanced, in high walks of life, have taken exception to the way the photograph used to be taken. The person was asked to hold the board showing his serial number and the photograph was taken. One gentleman remarked: "Are we convicts, that we are asked to do so?" I

understand a new system has been introduced and the board may be placed on a table before the elector. As a result of this, out of 3,40,000 voters, about a lakh have either not been photographed or have refused to be photographed. The aim of photographing is to prevent personation. Everyone wants to prevent personation but we should not lose sight of the perspective. What can you do by personation in a parliamentary election? Anyone would agree that it would be difficult to put in more than 10,000 personated votes in a parliamentary election even. It would be much less in an assembly election. To prevent 10,000 spurious votes, you are disenfranchising one lakh of persons even in an advanced place like Calcutta If you extend it to other places, the proportion of disfranchisement will be much more. If you extend it to rural areas, election will become a travesty because only a fraction of the electors will allow themselves to be photographed. Therefore, I do not think it is a very wise policy although it may be desirable, if it can be carried out universally. It would really make a travesty of our democracy by large-scale disfranchisement.

I am now coming to the question of administration of justice. I do not propose to elaborate on this point because, as I said, many things have been covered but I will refer to certain aspects. The Law Commission has pointed out that the division of the functions connected with administration of justice between the Home Ministry and the Law Ministry is absolutely illogical and in fact it is an anachronism because in the British days, the Law Member was Indian and the Home Member was European. The important functions were concentrated in the Home Member and the unimportant ones, in the Law Member. But this situation no longer exists and on top of it, practically in all the countries of the world, all these functions belong to the Ministry of Justice. I would suggest another reason, apart from those given by the Law Commission, why this pattern should be followed. The Law Commission has pointed out that in many cases, Judges have been appointed on considerations other than merit. However, we may try to deny it, it is a fact in many instances. Since the Law Commission has said it, steps must be taken to assure the public that this will not recur and judicial independence will be safeguarded. If judges are so appointed, it is a serious threat to judicial independence. This kind of threat is likely to be much less if appointments are taken out of the Home Ministry and given to the Law Ministry for this reason. The Home Minister is usually a person who is purely political, not with much of a legal background. The Law Minister is chosen particularly for his legal acumen. That is the usual rule. Such a person who has the legal background and a high legal acumen will revolt at the idea of introducing an incompetent judge, even for political reasons. Not that it would be impossible. But it is a fact that the professional man's conscience will have more intense pangs about this than the purely political person, who may sometimes have none at all in this matter. Therefore, I would suggest that all these matters of appointments of judges and other functions connected with the administration of justice with which the Centre is concerned should be taken over by the Law Ministry and the States should follow the same principle. Then we would have the chance of having a better judiciary than we can provide now

Another point that I wish to deal with is the problem of high cost of litigation. This problem must be tackled. I do not want to go into all the recommendations made by the Law Commission; I want to confine myself to one or two matters. One very considerable item in many cases—the item of cost—is the cost of printing paper books, both in the Supreme Court and in the High Court. Sometimes in the Supreme Court, I know, the cost comes to Rs. 7,000 or Rs. 8,000 for printing paper books. That is absolutely unjustified and something must be done to rid the litigant of this kind

of cost. I think typing or cyclostyling would be good in any court. If it is good in any court, it should be good for the Supreme Court as well as High Courts. There may be some inconvenience, Sir, to the court, but considering the inconvenience to the litigants this should be adopted by all courts.

Another very serious matter is the conduct of labour cases in the High Courts and the Supreme Court. Particularly in the Supreme Court, labour is unable to represent itself in many cases because the cost in the Supreme Court is prohibitive. Because they cannot afford to employ good counsel in the Supreme Court, their cases go either unrepresented or badly represented. This has led to disastrous consequences in many cases. In many cases, important points affecting labour have been determined *ex parte*, and in many other cases the cases have been very badly conducted so that the employers have all had their own way. I do not blame the Supreme Court for it. The Supreme Court needed assistance and received none. Now, Sir, the position has somewhat improved because the presiding Judge of the Labour Bench has quite a background in labour matters. But, even in this case, unless even such a court is assisted properly, the labour cases cannot be correctly decided and the cases tend to go against labour.

Therefore, Sir, it is incumbent on the Government to appoint a sort of a Standing Counsel for labour of the status of the Attorney-General or the Solicitor-General, who would make it a point to appear in all labour cases at least to argue and make submissions on the law point. If that is not possible, at least the Attorney-General and the Solicitor-General may be retained for labour matters, if necessary on payment of proper remuneration.

Lastly, I come to the question of the plight of the legal profession. We all know that at one end of the scale, there are a few lawyers who make a fabulous fortune out of the profession and at the other end are many struggling lawyers who live in penury. This thing does not depend purely on merits. Many meritorious lawyers do not find it possible to make their mark because often other factors are necessary to make the mark than pure merits. Some way should be devised to put an end to this situation. I suggest that the Government may call a conference of lawyers either to sponsor a legislation or, by persuasion, to organise panels on a court basis consisting of lawyers among whom steps may be taken to distribute the briefs equitably and share the fees equitably.

I cannot at this moment suggest details of such a scheme, but I am sure that if Government called a conference of lawyers such a scheme can be evolved. Such a scheme would enable, firstly, the meritorious junior lawyers to establish themselves in the profession and, secondly, it would incidentally save the litigants from the hands of touts and other undesirable people. If we can set up a proper organisation in which the public will have faith and which will also see to the equitable distribution of briefs, then we would do a great service both to the legal profession and to the litigants also.

Therefore, Sir, I would once more urge upon the Law Minister to look into the points I have raised regarding the conduct of elections, particularly, how to stop religious threats and also about the question of photographing in Calcutta. You can even persuade the Election Commission to drop it even at this stage. Secondly, I would request the Law Minister to give his attention to the question of costs and, particularly, to the question of appointment of a Standing Counsel for labour or retention of the Attorney-General or Solicitor-General for labour cases. I would also request him to see if some kind of a panel could not be organised in every court either on a voluntary basis or on a statutory basis in consultation with the profession to enable meritorious lawyers to establish them-

selves and to have a due share of the emoluments that are paid to the legal profession.

Mr. Speaker: Shri Amjad Ali. May I know how many hon. Members would like to participate in this debate?

Some Hon. Members *rose*—

Mr. Speaker: I find that the following hon. Members would like to speak: Shri Subiman Ghose, Lala Achint Ram, Shri Achar, Shri M. C. Jain, Shri K. N. Pandey and Shri Rami Reddy. All hon. Members will have an opportunity; only let them not exceed the time-limit of 15 minutes.

Shri Amjad Ali (Dhubri): Sir, I want to pose a question to the Ministry of Law. As early as 1957, in the month of August, there was a conference of the Ministers of Law known as the Law Ministers' Conference. Since then we have not heard what has happened to the Law Commission's Report that they were discussing. In the hand-out that has been given to us by this Ministry, in the second paragraph on page 3 it is said:

> "The implementation of the recommendations of the Law Ministers' Conference held in September, 1957, with which the Law Ministry is concerned is also being processed in this Section in consultation with the other Ministries."

Even today, Sir, it is in the stage of processing and we do not know when the implementation is going to be done. Only today it has come out in the papers that the Law Ministers are going to meet again in about a month at Ootacamund, Mussoorie or somewhere in the cool heights of Simla after a long lapse of three years.

In the year 1958, Sir, the Law Commission submitted the report. Many of the subjects dealt with by them might have been controversial questions. The Law Ministry should have been eager or keen on looking into these questions objectively and, I believe, something could have been done in this respect by now.

Sir, I wish the Law Ministers' Conference to be held after a month godspeed and I hope the Law Ministry would give a good account of themselves when they come out with their report. In their *Annual Report*, 1959-60 which they have given to us, they have given in broad outline two very important sections: Department of Legal Affairs and Legislative Department.

Regarding the department of legal affairs, I find, as my predecessor has remarked, that the administration of justice is not in their hands. They have been relegated to the position of giving advice and advice alone and to draft Bills, draft treaties, and the agreements entered into with foreign countries. The documents connected with the United Nations with which India is concerned are also being examined in this section. The advice is given for prosecution or for non-prosecution or for the defence of the Government servants, both in the States as well as at the Centre. Rather than being content with this, I would like the Ministry to be in charge of the administration of justice also along with its present duties. They may answer that the administration of justice is a State subject and that it comes in the State list.

13.31 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

But in this connection, I might quote with advantage a few relevant lines from page 1223 of the Law Commission's report. The previous speaker, Shri Sadhan Gupta, also hinted at this. The report says:

> "It is clear to us that such a division of functions between the two Ministries of the Government of India, apart from being not logical, is bound to adversely affect the administration of justice. The division is archaic and seems to

[Shri Amjad Ali]

have its roots in days when the portfolio of law was often held by an Indian Member of the Governor-General's Executive Council while Home Affairs was entrusted to a European Member, it being the function of the latter department to maintain law and order. It is not unnatural that in those days the question of the appointment of Judges to the High Courts should have been left to the Home Department."

So it was a time when the administration of justice was left in the hands of persons who came from the ruling race. But the times have changed and in the altered conditions, we would expect that the administration of justice is also placed in the hands of the Law Ministry which is all staffed by Indians now. This is needed in the interests of co-ordination between the States and the Centre in the matter of justice.

The Law Commission, in its fourteenth report, at page 1225, has observed as follows:

"It is, in our view, very necessary that a Ministry of Justice staffed by competent personnel, possessing the necessary technical knowledge and administrative experience, be established at the Centre for these purposes. Among other matters, such a Ministry would be charged with the task of ensuring that the High Courts in the various States possess adequate and competent personnel. It may also assume the control of the Indian Judicial Service whose creation we have recommended. Among other subjects, civil and criminal procedure and the legal profession might be dealt with by this Ministry."

So, the administration of justice should now be tacked with the Law Ministry rather than being left to the Ministry of Home Affairs who are admittedly not in the line and who are not supposed to be dealing with matters strictly legal.

The other point which I want to make is with regard to legal aid. This question has engaged the attention of the Law Commission and it has also exercised the minds of the thinking public. In the annual report of the Ministry it is said that the subject, "Legal Aid to the Poor" is also being dealt with in the Judicial Section. Till now we have not been able to know what particular shape it has taken in the matter of giving legal aid to the poor. There are poor persons who are helpless and who cannot pay for the litigation both in respect of court fees and of counsel fees. As it is always necessary to see that food is given to the person who is starving, drink is given to the person who is thirsty, we should also think about giving legal aid to the poor and the needy who cannot pay for the litigation, especially since ours is a welfare State.

I was reading an article in the *Law Quarterly Review* wherein Mr. E. J. Cohen has made some observations. After stating that the general principle that legal aid is a service which the modern welfare State gives to its citizen can no longer be disputed, this is what Mr. Cohen says:

"It is part of that protection of the citizen's individuality which, in all modern conception of the relation between the citizen and the State, can be claimed by those citizens who are too weak to protect themselves. Just as the modern State tries to protect the poorer classes against the common dangers of life, such as unemployment, disease, old age, social oppression, etc., it should protect them when legal difficulties arise. Indeed, the case for such protection is stronger than the case for any other form of protection. The State is not responsible for the outbreak of epidemic, for old age, or economic crisis. But the State is responsible for the law. That law again is made for the protection of all citizens, poor and rich alike. It is, therefore, the duty of the State to

make its machinery work alike for the rich and the poor".

In this connection, I would also like to quote from the summary of the Law Commission's report, given at page 599 of the report, on the subject of legal aid. Their recommendation is as follows:

"Free legal aid to poor persons and persons of limited means is a service which the modern State and in particular a Welfare State owes to its citizens. The State must, therefore, accept this obligation and make available funds for providing such legal aid to poor persons and persons of limited means;

The legal profession must in the main, if not entirely, accept the responsibility for the administration and working of schemes of legal aid."

This has been pointed out by Shri Sadhan Gupta, namely, that the legal profession also has got its duty towards the poor citizens of the State. The shape or the form in which this legal aid has got to be given or the way in which lawyers might think it possible to give legal aid to the poor are matters which I leave to the Ministry of Law to consider. They must see how best these things should be organised. Then the report says:

"This responsibility should be discharged by the profession by organising and by serving on bodies which will render legal aid, and representing in courts poor persons or persons of limited means on the payment of only a proportion of the fees payable on taxation;

The legal profession owes a moral and social obligation to poor members of society which it must discharge by every member of the profession doing a certain amount of legal work free for poor persons;

The scheme for legal aid to poor persons and persons of limited means outlined by the Committee on Legal Aid and Advice appointed by the Government of Bombay in 1949 and the scheme outlined by the West Bengal Committee should, with suitable modifications made in the light of local needs and conditions, be adopted by all States as soon as financial conditions permit;"

So, in this respect, I must mention the State of Kerala. They have also, in their humble capacity, been giving legal aid to the poor, and a scheme was drawn up by the late Ministry towards that end. They have supplemented what the Governments of West Bengal and Bombay have done. Bombay has been the pioneer in this respect and it has now been followed up by the Governments of West Bengal and Kerala. In this connection I would suggest that the Ministry of Law should see to it that it is done in every State so that poor persons who cannot defray their expenses for litigation are aided at the time of crisis.

Much has been said about the Election Commission and their doings by my friend, Shri Sadhan Gupta. I will supplement it by pointing out that in Punjab in certain cases because of the pressure of the higher-ups they were not doing their job and they had yielded to the wishes of the authorities concerned. This is a thing which has been agitating the minds of the public in general and I hope the Ministry of Law will look into this also.

Shri Achar (Mangalore): I would, first of all like to make a few observations on the conduct of litigation on behalf of the Central and State Governments. This is one important branch of this Ministry and I am not inclined to congratulate the Ministry for the way in which the conduct of cases is undertaken by the Central Government. Before I go into one or two points connected with the litiga-

[Shri Achar]

tion in the country, I would like to refer to one important point connected with our litigation in the International Court at The Hague.

Of course, every member knows that we had a case there and only the judgment is pending now. But, before that, I am referring to the earlier stage when we raised the question of jurisdiction of that court to entertain that litigation relating to right of way to Portugal in Nagar Haveli. Portugal filed a case against us, and the most important point raised by us was whether that court had jurisdiction to consider that. Objection was taken by us and then a statement was filed on behalf of the Portuguese Government covering all the points that we had raised. There Portugal contended that the court had jurisdiction. At that stage, a lawyer of international repute was engaged on our behalf. I have nothing against Professor Walder. He is a well-known international lawyer of great repute. Portugal had engaged Professor Borquin. The point I am making is whether our Law Department, or even the External Affairs Ministry, really considered all aspects of the question and the consequences the appointment would have on the litigation. The point is that Professor Walder had written a series of articles in the British magazine, *Year Book of International Law*, arguing this point entirely against us. The point made out by him in those articles is that the court has jurisdiction. We engaged Professor Walder to present our case and argue against his very arguments in his articles.

Mr. Deputy-Speaker: Do the lawyers give their own opinions in the court?

Shri Achar: I will come to that point. So far as municipal law is concerned, it is an entirely different matter and even if the lawyer expresses one view and argues another view, the courts here are guided by the decisions of the High Courts and Supreme Court. In the international field, even though I have not looked into all aspects of the question, it is my considered view that the International Court of Justice look into the opinions given by eminent lawyers also. That is exactly what happened when the question of jurisdiction came for hearing in the International Court. The counsel for the other side, Professor Borquin simply gave a great compliment to Professor Walder and said that he was a great lawyer of international repute and a great jurist and all that and finally said "I entirely adopt his own arguments". If it had ben a municipal law, the position would have been different, because the opinion of lawyers do not count much, so far as the judges are concerned. Though I am not an expert in international law, I am definitely told that one of the things that the International Court considers is the opinion of eminent international lawyers.

Mr. Deputy-Speaker: If the lawyer was so eminent as the hon. Member thinks him to be, he could have said that on further study he has found he was wrong.

Shri Achar: So, what I am saying is that this point was found against us. I am not saying that the International Court went entirely by the opinion of Professor Walder but, all the same, we have to remember this aspect that the International Court always give great respect to jurists of international fame. Naturally, Professor Borquin, an eminent counsel on the other side, did not argue the case much except quoting the views of Professor Walder. In fact, I have also read one dispatch in *The Hindu* about it. Certainly it must have attracted the notice of the Government. I do not want to waste too much time on this but, all the same,

I would say that in selecting a lawyer the department ought to have studied the question as to what his views on the subject are. He may be an eminent lawyer but we have to consider his views also. In the statement filed by Portugal they have simply copied the points mentioned in the article written by Professor Walder himself. When that was so, was it not the business of the officers of the Law Ministry to look into that aspect of the question and see that a proper international lawyer was appointed, and not a professor whose points were all against us? That is why I said that in the conduct of cases great care must be taken. It may be that they had not come across his articles.

Dr. M. S. Aney (Nagpur): May I ask one question? Were the services of that international lawyer engaged by us after he had expressed his opinion or before he had expressed his opinion?

Mr. Deputy-Speaker: He says that the Professor was engaged after he had published his articles.

Shri Achar: It may be that our people had not read it. I am not saying that they have appointed him deliberately after seeing his articles. All the same, the fact remains that sufficient care was not taken in this case, and that has certainly affected our litigation on a very important matter in our dispute with Portugal.

Then I come to income-tax cases. I remember a case where the income-tax official charged income-tax on a trust property. In spite of representations and submissions, even in the Appellate Tribunal they included that property for purposes of income-tax. Subsequently the matter was taken to the civil court. In spite of the fact that it is a well-known proposition of law that trust property cannot be included for income-tax, the matter is taken to the court. Of course we know that so far as the civil courts are concerned they are above all these considerations. The suit was thrown out. The matter was taken up in appeal. There also it was thrown out. Fortunately it did not go to the High Court. Evidently the lawyers there must have told them not to contest the matter. But what does it indicate? If such litigation is carried on by Government what amount of cost is unnecessarily incurred? It is not only the cost to the Government but the cost also that is paid to the other side.

I have several instances of this kind, but I do not want to elongate this aspect of the question. I only wanted to emphasise this aspect. Several decrees are being passed and finally with costs the amounts are paid. I would request the Law Ministry to look into this aspect of the question and see whether this litigation to a considerable extent cannot be avoided.

Only the other day I remember I referred to that when the Railway Demands were being discussed. I referred to the case in which certain movable jewels and cash were taken possession of by the Railway Department and were detained for nearly 2½ years with the Department. The party was asked to produce a succession certificate. A succession certificate was produced. Of course, everyone knows that a succession certificate is a title against the whole world. Everybody is protected if the jewels are handed over after the production of the succession certificate. But even then the goods and the jewels were not handed over. Fortunately the matter did not go to court because it came to the knowledge of MPs. They wrote to the hon. Railway Minister. The party was requested not to file a suit. After some delay the jewels and the cash were given back. But if that had not been done certainly a suit would have been filed and the claim of Rs. 10,000 would have swelled at least to Rs. 15,000.

I am referring to this aspect of the question because I feel that not only

[Shri Achar]

in one department but in several ministries the cost of litigation and the cost paid to the other side by the Government could be very much reduced. I request the Ministry to look into this aspect of the question. Just as the Finance Ministry have a new unit to go and find out what unnecessary expenses are going on in the Ministries, I wish very much the Law Ministry also does this and looks into that aspect of litigation and try to minimise this unnecessary litigation.

The next point I would like to refer to is about the several reports of the Law Commission. I have got probably five minutes more.

Mr. Deputy-Speaker: All right.

Shri Achar: I do not know how many minutes have I at my disposal.

Mr. Deputy-Speaker: There are three more, but if he wants five minutes I will give him that much time.

Shri Achar: The next point I would like to refer to is about the several reports of the Law Commission. It is very excellent of the Government to have appointed the Law Commission. I find that the reports that are submitted one after another are submitted with the best possible recommendations about how the Law Department could be improved. One after another we have got reports but I do not know what has been done to them. I have felt at least that they have not been looked into and necessary Bills have not been introduced.

Before I say one or two words about that aspect of the question I would like to draw the attention of the House to one paragraph in the report relating to judicial administration, Volume I, page 158. I am sure the Law Ministry has read it. It refers actually to the breakdown of law. Instead of stating it in my own words I would like to read one paragraph on page 158.

"Our purpose in reproducing at very great length the observations made by the High Court of Allahabad and the Chief Justice of West Bengal is to point attention to this grave state of affairs in regard to the administration of justice which prevails in some of the States. In at least two of the States, the conditions reflect little credit on the State Governments and, particularly, on those in the Government in charge of judicial administration. Under the Constitution administration of justice and the constitution and organisation of courts other than the High Courts are the responsibility of the State administration. The facts revealed indicate, on the one hand a gross neglect by the State administration of their duty in establishing the necessary number of courts and on the other, a complete failure on the part of the State to carry out its obligations to provide trained and proper judicial personnel for presiding over the courts. The States in question cannot even urge financial stringency as an excuse for the figures reveal that these States have been making substantial gains out of the revenue earned by them by way of Court fees. It is a matter for serious consideration whether in order to prevent what appears to be virtually a breakdown in the system of judicial administration the Central Government should not, by an amendment of the Constitution, be given a greater measure of control over some aspects of judicial administration in the States. This sugges ion is made on the basis that such control exercised by the Centre would tend to prevent such deplorable conditions arising."

Probably my time is up. Therefore I need not comment more on this. I would request the Law Ministry to take up this matter very seriously at least in the States' Law Ministers' Conference and see whether this could

not be removed. Of course this Report refers only to two States but I know in other States also cases are accumulating like anything. Even for five or six years suits are not disposed of. The cost of litigation is very high. In fact to that also the report refers where it says that they are making a profit out of that specially with regard to civil litigation. The State itself must look after the entire criminal litigation because it is a public matter and the public as a whole is interested in it. But civil litigation is made to pay very high Court fees. Litigation is very costly. In spite of that fact the delay is deplorable. From that point of view I would submit that the Law Ministry should take up the matter though it is a State subject. In fact the Report even says that they must change the Constitution and the Centre must look after it. Even if that is not done immediately, I would make this appeal that this matter must be taken up by the hon. Law Minister in the conference of the State Law Ministers to see whether something cannot be done. The real difficulty is that sufficient number of judicial officers are not appointed and cases accumulate. District judges and even High Court judges report that there are any number of cases pending for a long period. They recommend the appointment of more judges. Judges are not appointed. Cases are accumulating like anything and delay occurs. This is a known subject and I do not want to dilate any more on the matter.

One word about elections and I will sit down. There is a report produced about the cost of elections. In that respect I would like to submit one point for the consideration of the Ministry. A considerable amount of expenses is incurred by the candidates for the distribution of the slips giving the numbers and the names of each voter in every constituency. This is a very costly thing. A large number of volunteers have to be used by the candidate for this purpose. Specially in a double member constituency for Parliament it becomes a very big and huge matter. The cost incurred by a candidate is also swelling up like anything. I wonder whether the Election Commissioner cannot do something in this matter to see that these slips giving the numbers, the roll and all that cannot be distributed by the department itself.

14 hrs.

Shri K. N. Pandey (Hata): I am thankful to you for giving me this opportunity to express my views on the working of this Ministry.

While supporting the Demands, I want to place two important points for consideration. One is about election petitions and the other is about cases of labour in appeal before the Supreme Court or High Courts.

There is no doubt that after the election of 1957 there was some improvement in coming to decisions on election petitions. The procedure is that first the election petition has to be filed before the Election Commission who appoint a District Judge to go into the case. But one defect in this procedure is that while they give the designation of the Judge, they give his name also, and that creates some difficulty, and I may cite my own case as an example.

After the last elections, a petition was filed against me before the Election Commission, and the District Judge of Gorakhpur was appointed to decide the matter. After a few days he was transferred, but, since his name was also mentioned along with his designation, he had to take my case with him to his place of transfer. It so happened that sometimes he sat in Gorakhpur and sometimes in Sitapur where he had been transferred. You can easily imagine the difficulty of a person to conduct his case, since he had to engage two senior lawyers because, after having won the election, he could not ignore the election petition. Therefore, in future I suggest only the designation should be given. Whoever comes to the post can decide the case. The name should not be

[Shri K. N. Pandey]

mentioned, since that creates a difficulty. Every District Judge is a responsible person, and is capable of deciding these cases.

Though labour is organised into some unions and collects some money also, everybody knows that they are so poor that they cannot conduct their cases before the High Courts and the Supreme Court. Recognising this, a separate Act was passed, the Industrial Disputes Act, and some courts were created under that Act. Under that, the workers are not required to pay any fee or incur heavy expenditure to conduct their cases, in view of their poverty. But what happens is that after the decision of the tribunal is given, the employer, though he knows full well that he has not got a strong case, goes to the High Court and files a writ petition simply to delay the implementation of the decision.

I can give an example from U.P. Recently there was a meeting of the Indian Labour Standing Committee, and there I was told that out of the total writ petitions filed before the High Court of Allahabad, 80 per cent went against the employers. Even so, they are not leaving this practice, simply because they are entitled to it.

What is the use of creating a separate machinery if the same procedure, which results in delay, and heavy expenditure is followed? I therefore suggest that some concise procedure be evolved, so that labour may be relieved of this extra burden.

In some cases, the employers engage the top-most lawyer, and if labour has to win the case, it has also to engage a lawyer of equal rank, which requires a heavy sum which the workers cannot afford.

If, however, the procedure is to remain as it is, I request the Law Minister to engage somebody to conduct the cases on behalf of labour in the High Courts and Supreme Court, just as legal aid is given to the poor.

If the worker has to file an appeal in the Supreme Court, even if he has, *prima facie*, a strong case, he has to deposit Rs. 2,000. How can a poor worker deposit this sum? So, I suggest that they should be exempted from depositing such fees. The employer has got money, and, simply to delay implementation, he can file a writ petition and go in appeal and lose in the long run, but labour, being poor goes in appeal in rare cases and, therefore, he should be exempt from this fee.

The Sureme Court is, of course, respected everywhere and by everybody, nobody can deny that, but it takes too much time to decide a case. If a worker is dismissed by a factory and is reinstated by the lower court an appeal is filed in the Supreme Court, and it takes three years. How can the poor man live without pay for three years? He has to wait till the decision is given by the Supreme Court. So, I request that some special Bench may be created for deciding these labour cases. If these cases are treated on the same footing as the general cases, they have to take their turn in the normal course.

Mr. Deputy-Speaker: There is an interruption from this side that already it does exist.

Shri K. N. Pandey: That is not especially for these cases. They have to do other work also. I have experience of such cases. Seventy five persons were dismissed from the Lakshmi Devi Sugar Mills, Chhitauni. An appeal was filed before the Supreme Court, and it took more than three years for the judgment to be given. Can you imagine the difficulty of those people when they have to wait for so long?

This is my suggestion that some concise procedure must be evolved so that the workers may get justice as speedily as possible.

Shri Subiman Ghose (Burdwan): During the British days, we used to denounce them for not separating the judiciary from the executive. After independence, we framed our Constitution and incorporated in it the directive principle that there should be separation by means of article 50. The Law Commission also discussed the matter threadbare in their report, in pages 850 to 863. In page 859, the Law Commission stated:

> "We are of the view that this is a matter on which legislation by Parliament is necessary."

But up till now we find nothing has been done, even in this eleventh year of the Republic.

This was discussed in the Constitution Assembly when the Constitution was being framed, and I will do well to quote the Law Commission here: (page 851, Note V):

> "So insistent was the public feeling in this matter that when the present article 50 was being debated in the Constituent Assembly, there was a considerable opinion in favour of fixing a time-limit of three years in the article itself for carrying out the separation. The time-limit was eventually not fixed on the assurance of the Prime Minister, Shri Jawaharlal Nehru, that the Government was entirely in favour of the separation and that in large parts of India that change might be brought about sooner than that."

That is the finding of the Law Commission. But what are we seeing today?

In this connection may I refer to a speech delivered by Dr. Rash Behari Ghose, one of the world-famous jurists so far back as 1913 when he quoted some of the British lawyers, judges and jurists that there should be separation between the judiciary and the executive, and ultimately he quoted Lord Dufferin who said that separation of judiciary from executive is a counsel of perfection; but after discussing why it could not be done, Lord Dufferin said: "We can afford to consult times and seasons in carrying these improvements into effect." To that Dr. Rash Behari Ghose answered: "I wonder if that time and that season will ever come. There is a season, it seems for everything. There is a season for Seditious Meetings Act, there is a season for Press Act, there is also a season for Conspiracy Act. But there is no season, we ask with hearts sick with that sickness in which the iron sometimes enters into the soul, is there, we ask, no season for the redemption of solemn pledge?"

Mutatis mutandis I also press that before the House, and I very much like that the hon. Minister will answer this.

Next I shall come to another point which to my mind is a very serious one, and I want to know what the Law Minister has done in this respect. Some time back, on 9th September 1959, I tabled a starred question (No. 1274A) in which I wanted to know whether a Union Minister is running a magazine in which he gets advertisement from Government, from the Centre as also from the State Governments. That was answered, and all my my questions were answered in the affirmative, that is, that a Union Minister runs a magazine, that he is the owner of this magazine and that he is getting advertisement—that he was getting even before he was Minister and he is getting when he is Minister. And I shall give the last portion of the answer:

> "In giving advertisements it is not our policy"—it was the Information and Broadcasting Ministry that was giving the answer—"In giving advertisements it is not our policy to enquire into the ownership of any particular periodical or paper". That is a very nice thing. "Advertisements are based on circulation and the standing of a paper. The parti-

[Shri Subiman Ghose]

cular paper referred to has been in existence now for more than twenty years and has been getting casual advertisements from Government off and on for many years."

Shri Amjad Ali: What is the name of that magazine?

Shri Subiman Ghose: The name of that magazine is *Chaturang*.

An hon. Member: A Bengalee paper?

Shri Subiman Ghose: Yes. This is the question which I tabled on the 9th September 1959. I know that many representations have been sent from West Bengal to the Ministry, even to the Rashtrapathi in this respect. Does it not infringe the provisions of the Representation of the People Act?

The Deputy Minister of Law (Shri Hajarnavis): No.

Shri Subiman Ghose: Certainly it is a contract; Government gives the advertisement and he published it and gets the money. Then it is very well that other Ministers will also run magazines and take advertisements from the Government, and the Information and Broadcasting Ministry will say "well, it is not our business to enquire who is the owner in this respect". They will earn something, they will be holding an office of profit....

Mr. Deputy-Speaker: This is a Minister of a State, who according to the hon. Member, is the proprietor of the Paper. The Ministry of Information and Broadcasting is distributing those advertisements. How could we hold the Ministry of Law responsible for this?

Shri Subiman Ghose: It is an election matter. If the Information and Broadcasting Ministry....

Mr. Deputy-Speaker: How is it an election matter?

Shri Sadhan Gupta: Pertaining to election.

Shri Subiman Ghose: It is holding an office of profit which offends section 7 of the Representation of the People Act.

Mr. Deputy-Speaker: Then it should be before the Home Ministry or something. How is the Law Ministry to deal with it?

Shri Subiman Ghose: My submission is this, that when this came out the Minister who is the owner of the magazine knew in his heart of hearts that he is doing something which is not fair at least. And when it came to the notice of the Information and Broadcasting Ministry was it not the duty of that Ministry to refer it to the Law Ministry to take their opinion? What is the Law Ministry doing? Is it not an infringement? At least I think it is.

Shri Hajarnavis: Apart from the question whether the Ministry of Law is responsible or not, I am definitely of opinion that it does not constitute an office of profit, nor does it infringe section 7 of the Representation of the People Act.

Shri Sadhan Gupta: Interest in a contract.

Mr. Deputy-Speaker: There are differences of opinion. They cannot be reconciled just now. Two hon. Members might hold different views on love!

Shri Subiman Ghose: But in that case what is the ordinary law?

Mr. Deputy-Speaker: He has given his own opinion now. We can fight it out in the court.

Shri Subiman Ghose: This is the only forum and it is for that reason I have....

Shri Sadhan Gupta: Let it be decided by *quo warranto*.

Shri Subiman Ghose: It is for this reason I have brought in the question. That has not been taken notice of. Again I am pressing it. Law is nothing but ordinary commosense. In that case I will ask the hon. Minister....

Mr. Deputy-Speaker: But when that commonsense is embodied or recorded in a document, then that has to be seen as to what commonsense is there, not outside, extraneous commonsense.

Shri Subiman Ghose: Sir, I am not dilating on that any more. My submission is that every Minister will be entitled to start a magazine and get advertisements. That is a contract, because Government sends....

Shri M. C. Jain (Kaithal): How many more Ministers have started magazines after that?

Shri Subiman Ghose: He started that magazine long before that.

Shri M. C. Jain: I am asking how many more Ministers have started magazines. The hon. Member says that every Minister will start. No Minister has started.

Shri Subiman Ghose: That is another matter. I am not discussing that. If this is not a contract, then every Minister will be able to do so.

Mr. Deputy-Speaker: That Minister could be dealt with in the local Legislature. Members there could raise that question and have an answer there.

Shri Subiman Ghose: But he is a Minister here.

Mr. Deputy-Speaker: Now the hon. Member might continue his speech. He has given his own view-point, and the Minister has also said that it does not come within the purview of those restrictions.

Shri Subiman Ghose: I have brought it to the notice of the Minister and his to my mind infringes the Repre-

Next I come to the independence of the judiciary. Everybody in this world wants to live under the rule of law, and there cannot be a rule of law unless there is an independent judiciary. We might denounce the Britishers by bell, book and candle, but they had a high regard for the judiciary. We have seen from Sir Barnes Peacock to Sir Maurice Gwyer that they have established traditions to which we have yet to make the nearest approach. I shall just give one instance. During the British days a very celeberated advocate of the Calcutta High Court was speaking on the budget in the Bengal Legislative Council and he said in his speech that the Chief Justice and the Puisne Judges of the Calcutta High Court found a peculiar delight in hobnobbing with the executive; the result is that the Calcutta High Court has been robbed off it's independence. He used unsavoury words also against some other judges, but if I repeat them, perhaps, I would be guilty of using unparliamentary expressions, and, therefore, I would not use them.

Mr. Deputy-Speaker: I would advise him not to use them.

Shri Subiman Ghose: Before your advice, I had myself thought over it.

Then, there was a commotion over this, and one very leading English Daily in Calcutta wrote a leader over this. And the judges sent a notice for contempt of court, and there was a Full Bench hearing, in which the editor was defended by no less a person than Sir Tej Bahadur Sapru. The Full Bench consisted of five judges, and ultimately, they found that this editor was guilty of contempt of court. And they want to know whether the editor was willing to tender an apology, but the editor perhaps thought that an apology was not so very cheap, and he preferred to go to jail. What I want to say is that the Britishers did not raise that pathetic cry when it was said by the celebrated advocate that the judges were not

[Shri Subiman Ghose]

patiently, and for the same purpose, the editor went to jail, that is, for the sake of the independence of the judiciary.

Perhaps, our Law Commission scented some inroads by the executive on the judiciary, and, therefore, they came to certain findings. It will be better if I place those findings before the House. In para 75 at pages 100 and 101 of the *Fourteenth Report of the Law Commission*, this is what we find:

> "In the early British days and till very recently, the British and the Indian judges maintained as a rule a tradition of isolation and aloofness, declining to mix freely with members of the public and the executive at clubs and other social functions. That was the British tradition of the judges living, in the words of Sir Winston Churchill, 'their whole lives*** within strict and rigid limits'. So zealous were these judges to guard their independence and the public confidence in their impartiality, particularly in reference to the executive, that it was said of one High Court that the Chief Justice and judges would not approach the precincts of the Government House....".

Again, in para 76, they have stated:

> "Far from avoiding the precincts of the Government House, judges have come to treat invitations from the Government House as 'commands'. Newspapers tell us of Chief Justices and judges being 'granted' interviews by Ministers.".

I submit that this is the first charge that I shall make against this Ministry. Is it not a fact that this Ministry gave a party to the Chief Justice of India, suddenly, when he became a Chief Justice, at which party all the big Ministers were present? The Law Ministers are meant for implementing the recommendations of the Law Commission; they are not meant for their violation. But that is what has been done recently. Is it not an inroad on the independence of the judiciary? The Chief Justice, with great respect to him I would submit, became a Chief Justice according to the seniority basis; there is nothing new in it. What was the occasion for the Law Minister to give a party to the Chief Justice? I do not know whether the party was given by the Law Minister —that is certain—in his personal capacity or in his official capacity; nevertheless, a party was given. I submit that that is tainting the independence of the judiciary.

We have also found that in political organisations or meeting convened here in Delhi in the bungalows of Ministers, the judges have been present. There was a meeting for giving reception to one swimmer who had crossed the English channel, in the name of a political organization; it has got no office whatsoever here; it is a branch organisation; the office is somewhere else. The reception was held in the bungalow of a Minister, which the judges of the Supreme Court attended. I submit that these are all inroads on the independence of the judiciary. This shows that we are not a zealous guard of the independence of the judiciary, and this morning's controversy points to that. I would like to tell the hon. Minister most humbly that the independence of the judiciary is like the chastity of a woman; a touchy one does not brook any violation. That should be our motto.

I now come to another article of the Constitution, namely article 222, which is meant for the transfer of the judges. There is one very great aspect which results out of this. If the judges are transferred to the different High Courts, if, for instance the Rajasthan judges are transferred to Calcutta, the Calcutta Judges to Bombay, and the Bombay judges to Madras and so on, it proves the oneness of India, and it gives some relief to the lawyers also, because otherwise, the lawyers would be feeling suffocation. I

would not say anything against any judge, but I would ask this Ministry to enquire into the position at the Calcutta High Court, where, regarding some judges, the lawyers are feeling suffocation.

Shri Hajarnavis: If that is done, then the hon. Member will complain that we are interfering with the independence of the judiciary.

Shri Subiman Ghose: When there should not be any such feeling, but the Ministers feel like that.

Mr. Deputy-Speaker: The judges would feel like that, not the hon. Member.

Shri Subiman Ghose: There should not be any such feeling.

Mr. Deputy-Speaker: If some judge wishes to remain at a particular place, and he is transferred, then, certainly, it may give room for complaint.

Shri Subiman Ghose: So far as the greater aspect is concerned, I would say this. You were once a judge, Sir, and you would realise this. Will it not prove the oneness of India? We say so much that there will not be any regional considerations if there is done. So, if the judges are transferred from one High Court to another, what is the harm?

Shri M. C. Jain: Even the States Reorganisation Commission had recommended that.

Shri Subiman Ghose: Regarding industrial disputes, to which my hon. friend who spoke earlier had made a reference, it has been said that the deposit of Rs. 2,000 should be reduced so as to make it Rs. 250, in order that it might be within the reach of labour. As he was pointing out, suppose a labourer is dismissed, and the employer takes up the matter to the Supreme Court, and it remains pending there for three years, then the labourer remains stranded. I would suggest that the Law Ministry should take some steps that in cases where labourers have been dismissed, if the employer wants to file an appeal with the Supreme Court, then the reinstatement of the labourers should be made a *sine qua non* to the filing of the appeal. In that case, the labourers will get some sort of relief, and the employers will think thrice before they go to the Supreme Court.

Regarding disposal of cases, there is a universal cry that there is delay. I submit that there is delay everywhere. I do not know in which department there is no delay. Why should the law courts be made a scapegoat for this cry or this bogey of delay in disposal of cases? I think our experience tells us that cases are being butchered like anything; they are not given due consideration. And yet we say that every matter should be disposed of more speedily. The result is that the lawyers....

Mr. Deputy-Speaker: He ought to be more cautious when he is talking about the law courts and saying that the cases have been butchered there.

Shri Subiman Ghose: I am sorry. What I meant was this. The due application of the judicial mind is not there, if the cases are disposed of in a hurry and in great speed. That is what I want to say.

Regarding criminal trials, I would like to ask the Ministry to give some consideration to one point. I do not know whether it comes within the scope of the Home Ministry or the Law Ministry. The point is that so far as criminal courts are concerned, applications under section 173 of the Code of Criminal Procedure and other allied sections are not given due consideration. This may be looked into.

These are all the matters which I place before the House for consideration in respect of the Demands for Grants.

श्री मू० चं० जैन : उपाध्यक्ष महोदय, यह जो १ करोड़ १५ लाख रु० की डिमांड हाउस के सामने है, उस डिमांड को तो मैं सपोर्ट करता हूं, लेकिन किसी कांस्टिट्यूशनल गवर्नमेंट में ला मिनिस्ट्री को जो अहमियत हासिल है और एक चैजिंग ऐंड प्रोग्रेसिव समाज इस ला मिनिस्ट्री से जिन कामों और बातों का उम्मीद करता है, मुझे अफ़सोस है, मेरे लायक दोस्त डिप्टी मिनिस्टर साहब और ला मिनिस्टर साहब भी, जो तशरीफ ला रहे हैं, मुझे माफ करेंगे, वह उन की सन् १९५९–६० की रिपोर्ट में रिफलेक्ट नहीं होता । जहां तक हमारी गवर्नमेंट का ताल्लुक है, वैसे तो मुझे इस बात की खुशी है कि हमारे ला मिनिस्टर साहब को जो, पहले कैबिनेट रैंक के नहीं थे, इस महकमे की अहमियत को महसूस करते हुए, उन को कैबिनेट रैंक का बना दिया गया ।

श्री खुशवक्त राय (ट्रेरी) : यह उन की हैसियत के एहसास की वजह से हुआ है, न कि महकमे की अहमियत के एहसास की वजह से ।

श्री मू० चं० जैन : मैं जानता हूं कि यह उन की निजी हैसियत के एहसास से हुआ है और उसके साथ महकमे की अहमियत के एहसास से भी कि हमारी कांस्टिट्यूशनल और डिमाक्रेटिक गवर्नमेंट में यह कितनी अहमियत का महकमा है ।

मुझ से पहले मेरे लायक दोस्त ने कई बातें कही हैं, जिन को मैं दोहराना नहीं चाहता, लेकिन एक बात को खास तौर पर, जो उन्होंने कही, तरदीद करना चाहता हूं । बंगाल में किसी मिनिस्टर ने अखबार चलाया हुआ है । उस के बारे में कहा गया कि यहां का ला महकमा उस की नोटिस ले । मुझे पता नहीं था, मैं ने उन से पूछा भी था कि कितने और मिनिस्टरों ने ऐसे अखबार चला दिये या मैगजीन चला दीं । दरअसल किसी अखबार या मैगजीन को सरकारी इश्तहार मिलने का क्राइटेरियन यह नहीं है कि वह किसी मिनिस्टर का चलाया हुआ है, बल्कि क्राइटेरियन यह है कि उस का सर्कुलेशन कितना है, वह कितना छपता है, उस की यूटिलिटी कितनी है । बहुत ज्यादा सर्कुलेशन होने पर अगर किसी मिनिस्टर के अखबार को गवर्नमेंट के इश्तहार पहले मिलते थे या अब भी मिलते हैं तो इस में कोई पाबन्दी नहीं, और मैं तो इस से भी इत्तफाक करता हूं कि रिप्रेजेन्टेशन आफ दी पीपल ऐक्ट में कोई ऐसी पाबन्दी नहीं है, रुकावट नहीं है, जो इस पर आयद हो सके ।

जहां तक इस महकमे की अहमियत का ताल्लुक है, मैं ने अभी जिक्र किया, और सब से पहली बात इस महकमे के सिलसिले में इंडेपेंडेंस आफ जुडिशिअरी की आती है । इस के कई सब हेड्स मैं करता हूं । एक बात सेपरेशन आफ जुडीशिअरी ऐंड एग्जिक्यूटिव की है । मैं इस को इस लिये कई हेड्स में डिवाइड करना चाहता हूं कि जैसा आज सुबह आचार्य कृपालानी ने फरमाया था, जम्हूरियत की चार बुनियादी चीजें होती हैं, जिन में एक लेजिस्लेचर और एक इंडेपेंडेंट जुडीशिअरी का होना जरूरी है । आज हमारे देश में जुडीशिअरी इंडेपेंडेंट नहीं है । जिस हद तक हमारे देश में जुडीशिअरी इंडेपेंडेंट नहीं हो सकी उस हद तक हम जम्हूरियत को पूरे तरीके से लाने में नाकामयाब रहे हैं । आज जरूरी है कि हमारे देश में प्रजाराज पनपे और जुडीशिअरी पूरे तरीके से इंडेपेंडेंट हो । इस के लिये यह जरूरी है कि जुडीशिअरी और एग्जिक्यूटिव अलग अलग की जायें । मेरे लायक दोस्त ने मुझ से पहले ला कमिशन की रिपोर्ट की रिकमेन्डेशन्स हाउस के सामने रक्खी हैं, मैं उन्हें दोहराना नहीं चाहता, लेकिन मैं कहना चाहता हूं कि हमारे ला मिनिस्टर साहब अपने जवाब में हाउस को खास तौर पर बतलायें कि सन् १९५० से, जब कि हमारा कांस्टियशन लागू हुआ है, दस वर्ष हो गये हैं, तब से कितनी स्टेट्स में सेपरेशन आफ जुडीशिअरी ऐंड एग्जिक्यूटिव

हुआ है और कितनों में नहीं हुआ है । जब कांस्टिट्यूशन की दफा ५० बनाई गई तो उस पर प्राइम मिनिस्टर ने जो स्पीच दी थी उस की दोहरा कर दिखलाया गया है कि प्राइम मिनिस्टर का खयाल था कि शायद तीन वर्ष की मियाद के पहले ही एग्जिक्यूटिव और जुडीशिअरी सेपरेट हो जायेंगी । लेकिन दस वर्ष बीत गये हैं, फिर भी ऐसा नहीं हो सका है ।

मैं जानता हूं कि कुछ सूबों में चीफ मिनिस्टर और वहां की एग्जिक्यूटिव को कुछ ऐसा मोह हो गया है कि वह मजिस्ट्रेटों पर अपना अंगूठा रखना चाहते हैं । और अगर यह दोनों सेपरेट हो गई तो वे उन पर अपना अंगूठा नहीं रख सकेंगे । अगर यह मिक्स्ड रहीं तो रख सकेंगे । यह बजाते खुद एक बड़ा भारी कंडेम्नेशन है अगर इस तरह की भावना चीफ मिनिस्टरों में और दूसरे मिनिस्टर्स में है और वह जिद करें और बराबर इस सवाल को टालते जायें । वक्त आ गया है कि ला मिनिस्ट्री मजबूत हाथ से इस मामले में दखलअन्दाजी करें और इस हाउस को तसल्ली तब होगी जब एक वर्ष के अन्दर स्टेटस में सेपरेशन आफ जुडीशिअरी और एग्जिक्यूटिव लागू हो जाये। इस से कोई आफत देश में आने वाली नहीं है । इस से हिन्दुस्तान के लोगों में विश्वास ज्यादा होगा और इन्साफ भी ज्यादा सही होगा । चूंकि यह डिमाक्रेसी और प्रजा राज के लिये अच्छी बात होगी इसलिये इसे जल्दी से जल्दी करना चाहिये ।

इस सिलसिले में दूसरी बात इंडिपेंडेंट जजेज के अप्वाईंटमेंट के बारे में है । मुझे या है, मुझ से पहले मेरे फाजिल दोस्त ने इस की तरफ तवज्जह दिलाई थी । मैं भी अप्वाईंटमेंट का जो तरीका है उस की तरफ ध्यान दिलाना चाहता हूं । मैं जानता हूं कि इस से ला मिनिस्ट्री का ताल्लुक नहीं है, लेकिन इस सिलसिले में ला मिनिस्ट्री वाले तवज्जह दे सकते हैं कि जो तरीका इस वक्त चालू है वह यह है कि चीफ मिनिस्टर और गवर्नर की सिफारिश ही, चीफ जस्टिस की सिफारिश हो, फिर सुप्रीम कोर्ट की सिफारिश हो तब अप्वाईंटमेंट होता है, लेकिन एक पोलिटिकल आदमी की सिफारिश की बात जो रक्खी गई इस अप्वाईंटमेंट के बारे में, यह गलत है । स्टेट के चीफ जस्टिस का मश्वरा हो, गवर्नर का मशवरा हो सकता है, सुप्रीम कोर्ट के चीफ जस्टिस का मश्वरा तो होना ही चाहिये, किसी और ऐजन्सी का हो सकता है, लेकिन मैं इस बात के १०० फी सदी खिलाफ हूं कि किसी स्टेट के चीफ मिनिस्टर का मश्वरा भी उस में होना चाहिये । मुझे याद है कि जब हाई कोर्ट में अप्वाईंटमेंट के सिलसिले में पिछले साल पार्लियामेंट में जिक्र आया था तो होम मिनिस्टर ने एक दलील दी थी, उन्होंने आंकड़ व शुमार दे कर बतलाया था कि पिछले दस वर्षों में कितने हाई कोर्ट के जजेज अप्वाईंट हुए हैं, शायद १०० या १५०, लेकिन उन में से शायद ही कोई ऐसा अप्वाईंमेंट हुआ हो जब कि हाईकोर्ट के चीफ जस्टिस या सुप्रीम कोर्ट क चीफ जस्टिस के मश्वरे के खिलाफ काम हुआ हो । इस सिलसिले में मैं एक ह्यूमन नेचर की बात बतलाना चाहता हूं । किसी अप्वाईंटमेंट के बारे में अगर तीन आदमियों के लिये मश्वरा लिया जाये और तीन ही जज मुकर्रर किये जायें तो एक मामूली हिसाब की बात आप के सामने मैं रखता हूं । हर एक में ह्यूमन वीकनेस होती है, फरिश्तों में ही किसी तरह से न हो तो न हो, अगर वहां पर तीन आदमियों को लेना हो तो तीनों जज आपस में उन को, बांट लेते हैं कि यह तुम ले लो, यह तुम ले लो और यह मैं ले लेता हूं । और चूंकि वहां पर रिकमेन्डेशन यूनेनिमस होती है, इसलिये होम मिनिस्टर बजा तौर पर कह सकते हैं कि यूनेनिमस रिकमेन्डेशन पर काम हुआ है, यही सुप्रीम कोर्ट के चीफ जस्टिस कह सकते हैं। लेकिन इस तरह से प्रोसीजर जहर आलूदा हो गया । वह जहर जब तक नहीं निकलेगा

[श्री मू० चं० जैन]

तब तक वह आदमी कभी भी इंडपेंडेंट नहीं हो सकता । इसलिये मैं चाहता हूं कि जल्दी से जल्दी इस पर अमल किया जाय । कोई आफत आने वाली नहीं है अगर चीफ मिनिस्टर का मश्वरा न हो । उस के बगैर आज सैकड़ों नहीं हजारों अप्वाईंटमेंट हमारे देश में होते हैं । जुडीशिअरी की इंडपेंडेंट के लिये जरूरी है कि हाई कोर्ट के जजों के अप्वाईंटमेंट में किसी भी स्टेट के चीफ मिनिस्टर का कतई मश्वरा नहीं होना चाहिये ।

Shri Amjad Ali: How does the Law Ministry of the Union of India come into the picture of appointment of Judges?

श्री मू० चं० जैन : यह तो मैं पहले ही कह चुका हूं, मैं ने इस प्वाइंट को खुद एडमिट किया है, लेकिन ला मिनिस्टर मश्वरा दे सकते हैं एमिनेंट लाइअर की हैसियत से ।

श्री खुशवक्त राय : उसे मानेगा कौन ?

श्री मू० चं० जैन : अगर पार्लियामेंट मान लेगी तो गवर्नमेंट को भी मानना होगा ।

इस के बाद इस इंडपेंडेंस आफ जुडीशिअरी के सिलसिले में मैं तीसरी बात यह अर्ज करना चाहता हूं, जो कि शायद मुझ रिपीट करना होगा, कि हाई कोर्ट के जज एक सूब से दूसरे सूबे में अप्वाईंट होने चाहियें । न सिर्फ हाई कोर्ट के जजों को बल्कि दूसरे हाई आफिसर्स को भी । इस के लिये मैं स्टेट्स रिआर्गेनाइजेशन कमिशन का हवाला भी देना चाहता हूं । उन्होंने इस बात की सिफारिश की है कि हर सूब में जो हाई आफिसर्स हों, इन्क्लूडिंग जडीशिअरी, वह दूसरे सूबों से ज्यादा से ज्यादा लिये जाने चाहियें । जैसा कि बजा तौर पर कहा गया था कि राजस्थान हाई कोर्ट में पंजाब के लोग हों, बम्बई के हों, इसी तरह से दूसरी जगहों के लिये भी होना चाहिये । अब ऐसा होता है कि आम तौर पर उसी सूबे के वकीलों को हाई कोर्टस के जजेज की पोजीशन पर एलिवेट किया जाता है । यह भी ठीक नहीं है । इसलिये जरूरी है कि ला मिनिस्टर इस बात की तरफ भी तवज्जह दें ।

इस के बाद चौथी चीज इंडपेंडेंस आफ जुडीशिअरी के बारे में यह कहना चाहता हूं कि अगर आज हमारा डिसेंट्रलाइजेशन आफ पावर की तरफ ध्यान है तो मैं इसे पसन्द करता हूं, और इस का स्वागत करता हूं । लेकिन गांवों के अन्दर पंचायतें बनें, गांव के लोग ही उन पंचायतों को एलेक्ट करें, अपने वोट दे कर चुनें और उन पंचायतों के जिम्मे हम गांवों के छोटे छोटे झगड़ों का इन्साफ करने का काम भी सुपुर्द कर दें तो फिर हम उन से इन्साफ की उम्मीद कैसे कर सकते हैं ? मैं खुद एक गांव का रहने वाला हूं, और मैं इस चीज को जानता हूं, मैं नहीं कहता कि उन बेचारों का स्टेन्डर्ड कुछ दूसरे लोगों से कम है, उन का स्टेन्डर्ड भी हम जैसा या हम से ऊंचा ही है, लेकिन फिर भी जिन की राय ले कर वह लोग आते हैं उन का खयाल तो रखना ही पड़ेगा । मुझे पता है, मुझे बाकायदा एलेक्शन लड़ना पड़ा, लेकिन फिर भी अगर मेरे पास कस आता है तो जैसी कहावत है "सीजर्स वाइफ मस्ट बी अबव सस्पिशन"। इस का ख्याल तो रखना ही पड़ेगा । किस तरीके से उन पर हम एतबार कर सकत हैं कि वह उन लोगों के खिलाफ राय देगा, सरपंच के खिलाफ राय देगा और हमारे साथ इन्साफ करेगा ?

मैं समझता हूं कि यह तो एक बहुत बुनियादी प्रश्न है । तमाम हिन्दुस्तान में पंचायती राज्य की लहर उठ रही है और वह उठनी चाहिये । लेकिन वह पंचायती राज्य में गांव की यूनिट के जिम्मे इंसाफ का काम दिया जाना मैं कुछ मुनासिब नहीं

समझता । उस के जिम्मे यह टैक्स वसूल करने और गांव के जितने भी बहतरी के काम हैं सफाई वगैरह के वह सब काम आप उसको सौंप सकते हैं । लेकिन जहां तक इंसाफ का ताल्लुक है, केसेज के फैसला करने का सवाल है वह बेसिक प्राइमरी यूनिट के जिम्मे नहीं सौंपा जाना चाहिये । अलबत्ता ५, ७ गांवों की एक न्याय पंचायत हो सकती है और उस यूनिट के जिम्मे यह इंसाफ का काम सौंप सकते हैं । लेकिन अगर बेसिक प्राइमरी यूनिट के जिम्मे इंसाफ का काम सौंपेंगे तो मैं यकीन दिलाता हूं कि ऐसा करके आप अपने देश में एक ऐसी चीज इंट्रोड्यूस कर रहे हैं जिसका कि नतीजा दिन पर दिन खतरनाक ही निकलने वाला है और उसका अच्छा नतीजा निकलने वाला नहीं है ।

इसके बाद दूसरा जो हैड है कौस्ट आफ लिटिगेशन तो उसके मुताल्लिक मुझे यह अर्ज करना है कि हमारे देश में कोर्ट आफ लिटिगेशन बढ़ती ही जा रही है और महंगी होती जा रही है । इसी सिलसिले में यह देखते हैं कि कोर्ट फीस और स्टाम्प्स की लागत बढ़ती जा रही है और आये दिन हुकूमत आर्डिनेन्स के जरिये यह कोर्ट फीस बढ़ा रही है । सस्ता इंसाफ लोगों को मिले, यह हमारा आदर्श है । अब इसके लिए तो खुद हमारे ला मिनिस्टर साहब हाउस को बतला सकते हैं कि इन पिछले १० वर्षों में इंसाफ महंगा हुआ है या सस्ता । जितनी भी मुकद्दमेबाजी है, एक छोटी अदालत से लेकर ऊपर हाईकोर्ट और सुप्रीम कोर्ट तक वह मेरे खयाल में पिछले दिनों में महंगी ही होती जा रही है । इस सिलसिले में एक तजवीज तो यह है कि कोर्ट फीस और स्टाम्प फीस कम हो । इंसाफ हर हालत में सस्ता होना चाहिय । गरीबों के लिये फ्री लीगल एड की व्यवस्था सरकार को करनी चाहिये । इसके बारे में मेरे से पहले कई आनरेबुल मेम्बरान ने तवज्जह दिलाई है और गवर्नमेंट की स्कीम भी है और स्टेट्स को सेंट्रल गवर्नमेंट लिखती भी है लेकिन उस स्कीम से निकला क्या । वह तो वही मसल हुई कि खोदा पहाड़ निकली चुहिया बल्कि मेरे तो कई दोस्त फरमा रहे हैं कि अरे भाई दस वर्ष से चुहिया भी नहीं निकलीं । मेरे खयाल में हाउस के तमाम मेम्बरान और ला मिनिस्टर साहब भी इसमें मुझ से इतिफाक करेंगे कि हमारा कानूनी ढांचा दिन पर दिन पेचीदा और साथ ही खर्चीला भी होता जा रहा है । किसी भी कम्पलेक्स सोसाइटी में, किसी भी कम्पलेक्स समाज में यह जरूर है कि कानूनी ढांचा भी कम्पलेक्स होता जायगा । जैसा सोशलिस्टिक पैट्रन हम ने तय किया है तो कुदरती तौर पर हमारी स्टेट्स में भी और सेंटर में भी प्रोग्रेसिव लेजिस्लेशन बनते हैं । अब वह कितने लूले और लंगड़े हैं वह पहलू अलग है और मैं इस मौके पर उधर ध्यान दिलाना नहीं चाहता । लेकिन यह जरूर कहना चाहूंगा कि जो प्रोग्रेसिव और तरक्की पसन्द कानून बनते हैं तो जिन अमीरों और सरमायदारों पर और लैंडलार्ड्स पर उनका असर होता है तो वह भरसक उनके एम्पलीमेंटशन में देर लगाते हैं और उन को लेकर ऊपर सुप्रीम कोर्ट तक लड़ते हैं और जिन गरीबों के हक में यह प्रोग्रेसिव लेजिस्लेशन बनते हैं, लेबर कानून बनते हैं और लैंड लेजिस्लेशन बनते हैं वे बेचारे इस लम्बी और पेचीदा मुकद्दमेबाजी से घबड़ा उठते हैं क्योंकि सबसे बड़ी चीज तो यह है कि उनके पास इतना पैसा नहीं होता कि वे अदालतों में मुकद्दमा लड़ने फिरें और हमारे गरीब मजदूरी पेशा लोग गरीब काश्तकार और मुजारे लोग आ कर रोते हैं और कहते हैं कि यह तो हमारे लिए आफत आ गई है । इसलिये मेरा कहना यह है कि उनके लिए ला सिम्पलीफाई होना चाहिये और उससे भी ज्यादा जरूरी यह चीज है कि उन के लिये फ्री लीगल ऐड का इंतजाम हो । यह

[श्री मू० चं० जैन]

सोशलिस्टक पैट्रन का समाज जिसे कि कायम करने का हम दावा करते हैं और जैसा कि पार्लियामेंट ने सेकेंड फाइव इयर प्लान में तय किया है उसके मुताबिक यह जरूरी हो जाता है कि हम ऐसा इंतजाम करें ताकि इन प्राग्रेसिव लेजिस्लेशन के अमल में देर न हो। उन पर तेजी से अमल किया जा सके और यह कहावत चरितार्थ न हो कि खोदा पहाड़ और निकली चुहिया बल्कि जैसा कि मेरे दोस्तों का खयाल है चुहिया तक नहीं निकली। उन कानूनों को अमल में लायें ताकि हम यह कह सकें कि हम जो कुछ कहते हैं उसको करने का इरादा रखते हैं और उसको अमल में भी लाते हैं।

हमारे ला मिनिस्टर साहब की जो सन् १९५९–६० की रिपोर्ट है वह एक रूटीन रिपोर्ट जैसी है। उसमें कोई विशेष चीज महत्व की नजर नहीं आती। एक तरक्की पसन्द समाज के ला डिपार्टमेंट होने के नाते तरक्की पसन्दीदगी का जिस तरह से मुमायां तौर पर रिफ्लेक्शन होना चाहिये था वह भी नहीं है, सिर्फ एक रूटीन जैसा है। मैं चाहता हूं कि हमारे ला मिनिस्टर साहब उधर ध्यान दें।

इसके बाद एक और चीज मैं इस सिलसिले में अर्ज करना चाहता हूं और वह यह कि जब नये लेजिस्लेशन बनते हैं स्टेट्स के बारे में और जब भी कोई कानून नये बनते हैं या किसी पुराने कानून में तरमीम होती है तो एडमिनिस्ट्रेटिव आफिसर्स को इंस्ट्रक्शंस भेजने पड़ते हैं कि यह हकूमत का मंशा है और यह उसके सैलियंट फीचर्स हैं और इस तरह से इस कानून को अमल में लाना है। लेकिन अब हालत यह है कि कानून बना लिये जाते हैं और कई कई जगह देखा जाता है कि उन कानूनों के तहत जो रूल्स और कवायद बनने चाहियें वह साल साल और डेढ़ डेढ़ साल तक बनते हैं और उनके बने बिना अमल नहीं होता है। यह रूल्स वक्त पर बनाये जाने बहुत जरूरी हैं। अब मैं आपको मिसाल देकर बतलाऊं कि क्रिमिनल प्रोसीज्योर कोड एक्ट के तहत चलने वाले मुकद्दमों में गरीबों के साथ किस तरह से अन्याय होता है। अब मान लीजिये कि एक टेनेन्ट जो कि अपनी जमीन पर काबिज है और जिसको कि लैंडलार्ड या उसके आदमी तंग करते हैं और वह इसकी फरियाद लेकर पुलिस के पास जाता है कि मेरा कब्जा है और मेरी हिफाजत की जाय तो आजकल बजाय इसके कि उसकी हिफाजत की जाय और उनको ज्यादती करने से रोका जाय पुलिस यह कार्यवाही करती है कि नुक्सेअमन में वह दोनों पार्टीज को गिरफ्तार कर लेती है लैंडलार्ड को भी गिरफ्तार कर लेती है और टेनेंट को भी गिरफ्तार कर लेती है। अब अगर ला डिपार्टमेंट से इस बारे में एक्जीक्यूटिव आफिसर्स को और पुलिस के हुक्काम को हिदायतें जायं कि उन गरीब टेनेन्ट्स को जिनको कि जमींदार या उसके आदमी बिला वजह तंग कर रहे हैं और वह कानूनी तौर पर अपनी जमीन पर काबिज है तो उनको उसको तंग करने से बाज रक्खा जाय और यह कि उस शिकायत करने वाले काश्तकार को हरेंस न किया जाय तो वह मुनासिब होगा। मैं कोर्टस को इंस्ट्रक्शंस भेजने की बात नहीं करता। अदालतों को हम सलाह या इंस्ट्रक्शंस नहीं दे सकते लेकिन पुलिस अफसरान को, एक्जीक्यूटिव और एडमिनिस्ट्रेटिव अफसरान को जरूर हिदायतें भेजी जानी चाहियें कि असल में इस कानून की पीछे मंशा यह है और इसको इस तरह अमल में लाया जाय। इस तरह की हिदायतें कोई नई बात नहीं है। पहले अंग्रेजों के जमाने में भी इस तरह की एक्जीक्यूटिव अफसरान को हिदायतें दी जाती थीं। पुलिस के हेड आफ दी डिपार्टमेंट को इस तरह की हिदायतें दी जायें कि यह जो कानून बना है इसको इस तरह से अमल में लाया जाय और इसके पीछे सरकार की यह मंशा है। आज इस तरह के इंस्ट्रक्शंस नहीं भेजे जाते हैं और अगर कहीं भेजे भी जाते हैं तो वह देर में भेजे

जाते हैं और अगर वह वक्त पर भेजे भी जाते हैं तो जो स्प्रिट आफ दी टाइम है उसके मुताबिक नहीं भेजे जाते हैं। जिस स्प्रिट में वह लेजिस्लेशन बना है उसके मुताबिक हिदायतें नहीं भेजी जाती हैं और न अफसरान उस पर जैसे कि उन्हें अमल करना चाहिये, अमल करते हैं। इसका सबसे बड़ा खतरनाक नतीजा यह हुआ है कि वे लोग जो कि इस देश में इतनी बड़ी तादाद में बसते हैं और जिनके कि भले के लिये हम प्रोग्रेसिव लेजिस्लेशन बनाने का दावा करते हैं वे उनके फायदे से वंचित रह जाते हैं, महरूम रह जाते हैं। इसका नतीजा यह हो रहा है कि जो हैब्स हैं वह तो हमारे खिलाफ इसलिये होते हैं कि हम उनके वेस्टेड इंटरेस्ट्स के खिलाफ कानून बनाते हैं और वह गरीब अवाम भी हमारे खिलाफ इसलिये हो जाता है कि उन हमारे कानूनों का उसे कोई फायदा नहीं पहुंचता क्योंकि उन पर सही तौर से अमल नहीं होता है। हमारे ला मिनिस्टर साहब को यह अच्छी तरह समझ लेना चाहिये कि इस तरह की एक रटीन रिपोर्ट पेश कर देने और इस तरह रटीन में काम करने से हम कभी भी अपने मकसद को हासिल करने में कामयाब न हो सकेंगे और साथ ही यह बदलता हुआ समाज भी इस तरह रटीन में काम करने के लिये हमको कभी भी माफ नहीं करेगा।

इसके बाद एगजिस्टिंग लाज की तरमीम का सवाल है। मुझे अफसोस के साथ यह कहना पड़ता है कि इस बारे में ला कमिशन की रिपोर्ट आ रही है और यह बतलाया गया है कि उनकी तरमीम होनी जरूरी है लेकिन उन रिपोर्टस को अमल में लाने में देरी हो रही है। अब यह जो लाज हैं यह आज से ५० वर्ष पहले के या १०० वर्ष पहले के समाज के मुताबिक बने थे और अंग्रेजों ने यह एविडेंस ऐक्ट और दूसरे कानून उस वक्त की जरूरत को देखते हुये बनाये थे जो कि आज के बदलते हुये जमाने में और जबकि हम एक सोशलिस्टिक पट्टर्न आफ सोसाइटी कायम करना चाहते हैं, तब जाहिर है कि वे पुराने कानून आज के हालात में मुआफिक नहीं आ सकते और उनकी तरमीम होनी बड़ी जरूरी है और उस तरमीम के काम में आज जो देरी हो रही है उसकी ओर मैं खास तौर से ला मिनिस्टर साहब की तवज्जह दिलाना चाहता हूं।

अब एक खास बात की तरफ मैं हाउस और ला मिनिस्टर साहब का ध्यान दिलाना चाहूंगा। मैं समझता हूं कि हाउस के कई मेम्बरान मेरी राय के खिलाफ भी होंगे। आज के कानून के मुताबिक कनफैशन विफोर पुलिस इनऐडमिसिबिल है। अब अंग्रेजों के जमाने में तो यह किसी हद तक समझ में आने वाली चीज थी लेकिन आज जब कि हम आजाद हो गये हैं और हमारी अपनी पुलिस है तब इस देश की आजाद पुलिस के ऊपर यह एक बड़ा धब्बा है। यह तो ठीक है कि आज भी पुलिस बहुत अच्छी नहीं हुई है और उस में इम्प्रूवमेंट की काफी गुंजाइश है तो भी इस तरह की चीज स्टैचूट में कायम रहनी पुलिस के लिए धब्बा है। आज कानून में यह लिखा हुआ है कि अगर कोई इंस्पैक्टर जनरल आफ पुलिस, कप्तान पुलिस या किसी दूसरे पुलिस अफसर के सामने अपना इकबाल जुर्म कर ले तो वह कानूनन् इनऐडमिसिबुल है लेकिन वही इकबाल जुर्म अगर वह किसी दूसरे अदालती एथारिटी के सामने जुडिशिएल अफसर के सामने भले ही वह कितना ही छोटा क्यों न हो इकबाल जुर्म कर ले तो वह ऐडमिसिबुल हो जाता है। आज बारह साल के बाद भी हम अपनी पुलिस पर इतना ऐतबार न करें, यह कुछ जरा उचित नहीं जंचता। आखिर हमें यह नहीं भूल जाना चाहिए कि ट्रस्ट बिगेट्स ट्रस्ट। मैं यह नहीं कहता कि आज पुलिस बिलकुल चरित्रवान हो गयी है और आदर्श पुलिस हो गई है जैसी कि हम बनाना चाहते हैं लेकिन इस तरह की चीज रखनी यह स्टैचूट पर एक धब्बा लगाना है। मुझे यह चीज बड़ी अखरती है और इसलिए मैंने इसका जिक्र कर देना मुनासिब समझा कि जब एविडेंस ऐक्ट को तरमीम करने की

[श्री मू० चं० जैन]

बात हो तो इस तरफ भी ध्यान दिया जाय और इसको भी तरमीम कर लिया जाय ।

अब मैं थोड़ा सा अपने वकील भाइयों की निस्बत कहना चाहूंगा । आज हमारे देश में वकीलों की बहुत बड़ी तादाद है । तादाद के बारे में एख्तलाफ हो सकता है लेकिन यह हकीकत है कि हमारे वकील भाई लोगों से तो बड़ी लम्बी लम्बी फीसें लेते हैं और मैं तो यह कहूंगा कि वे फीस ज्यादा चार्ज करते हैं लेकिन अपनी इनकम रजिस्टरों में सही दर्ज नहीं करते हैं और कम लिखते हैं । अब मैं कोई इस बारे में ऐदादो शुमार तो नहीं दे सकता लेकिन इतना जरूर कहूंगा कि हमारे देश में वकीलों की एक अच्छी खासी तादाद है और उनके जरिये इस तरह से काफी इनकमटैक्स की चोरी होती है । इसको रोकना जरूरी है और इसके लिए लीगल प्रैक्टीशनर्स ऐक्ट में तस्मीम करने या और किसी तरीके से ऐसा इंतजाम किया जाय ताकि वकीलों के वास्ते अपनी फीस की रसीद देना जरूर हो जाय । जितनी फीस वह क्लाइंट से चार्ज करता है उसकी रसीद वह उसको दे । ऐसी हालत में अगर वह ५०० रुपया लेता है और १०० रुपये की रसीद देता है तो क्लाइंट उससे कहेगा कि आप यह क्या कर रहे हैं, हां, अगर उन दोनों में गठजोड़ हो जाये तो दूसरी बात है ।

Shri Yadav (Barabanki): Trust begets trust, why this distrust?

श्री मू० चं० जैन : इसके बाद मैं इलेक्शन पिटीशन के बारे में एक बात कहना चाहता हूं । दो तीन रोज हुए इस बारे में हमारे मित्र श्री राम कृष्ण गुप्त की तकरीर पर ला मिनिस्टर साहब ने जो जवाब दिया था उसमें उन्होंने उन तमाम एलीगेशन्स के बारे में पता नहीं क्यों नहीं कहा जो कि पंजाब के चीफ मिनिस्टर के खिलाफ लगाये गये थे । मैं उन एलीगेशन्स के मैरिट में नहीं जाना चाहता । लेकिन पता नहीं उन एलीगेशन्स में से जो सीरियस थे उनकी तरफ उनकी तवज्जह क्यों नहीं गयी । और हाउस को उनके बारे में कुछ क्यों नहीं कहा गया . .

The Minister of Law (Shri A. K. Sen): I deliberately did not refer to these allegations in detail and I would request the hon. Member also to desist from going so as the matter is *sub judice*. Even if we do not say whether the allegations are correct, the mere reference to the allegation, in my suggestion, militates against the rule that we have.

Shri Tyagi (Dehra Dun): But the delay may be discussed.

Shri A. K. Sen: But the allegations against individuals, which are *sub judice* should not be dicussed.

श्री मू० चं० जैन : मैं सिर्फ यह बात कहना चाहता हूं कि या तो ला मिनिस्टर साहब उन एलीगेशन्स का हवाला न देते और अगर हवाला दिया था तो जितने सारे एलीगेशन्स उस पिटीशन में थे उन सब की तरफ उनको ध्यान देना चाहिए था । मुझे विश्वास है कि ला मिनिस्टर साहब इस बारे में अहतियात करेंगे ।

एक चीज की तरफ मैं और तवज्जह दिलाना चाहता हूं । इस रिपोर्ट में जिक्र है कि हम कानूनों का हिंदी में ट्रांस्लेशन कर रहे हैं लेकिन जिस रफ्तार से यह काम हो रहा है उससे तो मेरा खयाल है कि सन् १९६५ या उसके बाद की तारीख तक भी यह काम नहीं हो सकेगा । जिस रफ्तार से ला मिनिस्टर साहब चल रहे हैं उससे तो सन् २००० ई० तक भी यह काम पूरा नहीं होगा । तो मेरी गुजारिश है कि इस काम में उनकी तवज्जह होनी चाहिए कि इसको तेज रफ्तार से किया जाये ।

मुझे इतना ही कहना था ।

श्री यादव : उपाध्यक्ष महोदय, इस समय विधि मंत्रालय पर चर्चा हो रही है

और इसी से सम्बन्ध है न्याय विभाग का भी। अभी हमारे माननीय मित्र ने यह बताया कि विधि मंत्री का जो मंत्रालय है उस में क्या हो रहा है। वह क्या करना चाहते हैं इसका कोई खुलासा इस रपट में नहीं है। जो रपट हम लोगों के सामने है वह तो केवल ७ पन्ने की या साढ़े तीन सुफ़हे की है। इससे जाहिर है कि सरकार का और हमारे विधि मंत्री का इस मंत्रालय की ओर कितना जबरदस्त ध्यान है। वह क्या सुधार करना चाहते हैं या उनके सामने क्या समस्यायें हैं, अगर हम इस रपट को पढ़ते हैं तो इसके बारे में कोई चीज नहीं पाते हैं।

यह सही है कि हमारे विधि मंत्री का दरजा बढ़ गया है। यानी वह मंत्रिमंडल के एक सदस्य हो गये हैं। यह हो सकता है कि उनकी व्यक्तिगत हैसियत बढ़ी हो, लेकिन जहां तक इस विधि मंत्रालय का और इसकी कार्य विधि का प्रश्न है उस में कोई भी इजाफा नहीं हुआ है और मैं तो यही समझता हूं कि एक रुटिन वर्क की तरह से यह रपट आज हमारे सामने प्रस्तुत है। जो स्थिति हमारे देश की आज है उसको हम देखें तो मैं कहना चाहता हूं कि न्याय की बात कहना हमारे देश में न्याय के साथ जबरदस्त अन्याय करना होगा। आज सवेरे जो घटना घटी और जिस पर कार्यस्थगन प्रस्ताव लाया गया उसको हमने देखा। इसी प्रकार की घटना उस समय घटी थी जब कि जीवन बीमा निगम की जांच के लिए एक हाईकोर्ट के जज, छागला साहब, की नियुक्ति हुई और उन्होंने अपनी रपट दी और उस रपट के बारे में माननीय प्रधान मंत्री महोदय ने जबरदस्त बात कही थी और कहा था कि उन का जो फैसला है वह इम्प्रापर है। इसी तरह का यह नानावती कांड हुआ, वह चाहे जितने ही बड़े पद पर हों, चाहे जितनी उनकी हैसियत हो, जब हाई कोर्ट के जजों ने उनके खिलाफ एक फैसला दे दिया कि उनको जीवन भर का कारावास मिलेगा . . . .

उपाध्यक्ष महोदय : अब तो वह कांड खत्म हो गया, आप ला मिनिस्ट्री के बारे में कहिये।

श्री यादव : मैं एक हवाला देना चाहता हूं क्योंकि यह एक ताजा घटना है।

Shri A. K. Sen: On a point of order. It has already been ruled this morning by the hon. Speaker that this matter should not be discussed here.

Shri Yadav: I am not raising this point here but I am simply giving reference to that. There is no point of order, I think, in this.

Mr. Deputy-Speaker: A decision has also been given!

श्री यादव : तो जजेज ने जो लिखा उसकी इजाजत प्रधान मंत्री महोदय ने नहीं दी।

उपाध्यक्ष महोदय : मालूम नहीं कि आपने आज सवेरे सुना या नहीं कि न तो उस मामले में किसी को छोड़ दिया गया है और न कोई और दखल दिया गया है। वह तो तब तक के लिए है जब तक कि वह दो चार दिन में वहां जा कर लीव टू अपील हासिल न कर लें। ऐसा तो नहीं है कि जजों का हुक्म किसी ने नहीं माना या उसको अमल में नहीं आने दिया।

श्री यादव : मैं तो एक सरकमस्टांस बता रहा हूं। जब दो चार दिन की ही बात थी तो ऐसा बरताव करने की क्या जरूरत थी।

श्री त्यागी : अगर यह एक मिसाल है तो कोई हर्ज नहीं बशर्तेकि हमें यह ऐतबार हो जाये कि आयन्दा यह और लोगों के लिए प्रिसिडेंट नहीं बनेगा।

श्री यादव : तो मैं सिर्फ यह मिसाल देकर कहना चाहता था कि जब यह स्थिति हो तब तो फिर न्याय की बात करना न्याय के साथ ही अन्याय करना होगा।

[श्री यादव]

अगर हम न्याय की ओर देखें, तो जैसा कि बहुत से माननीय सदस्यों ने कहा और मैं भी कहूंगा कि किसी भी सरकार के तीन प्रमुख अंग हुआ करते हैं, व्यवस्थापिका, कार्यकारिणी और न्यायपालिका और किसी नागरिक की स्वतंत्रता तभी रक्षित रह सकती है, उसका मान सम्मान, जिन्दगी और उसकी जायदाद तभी रक्षित रह सकती है जब इन तीनों के अधिकार अलग अलग रहें और किसी एक व्यक्ति के हाथ में या किसी एक संस्था के हाथ में न चले जायें । इस सिलसिले में मैं दो तीन महत्वपूर्ण पुरुषों के कोटेशन आपके सामने रखना चाहता हूं ।

श्री ब्लैक स्टौन ने कहा है :

"जहां कहीं भी कानून बनाने तथा उनको पालन करवाने का अधिकार तथा न्याय शक्ति आपस में अलग नहीं होते, वहां व्यक्ति का जीवन, स्वतन्त्रता तथा सम्पत्ति सुरक्षित नहीं रह सकती ।"

इसी संदर्भ में लार्ड ब्राइस ने कहा है

"किसी सरकार की उत्तमता का सर्वोत्कृष्ट चिह्न उसका न्याय विभाग है क्योंकि साधारण नागरिक के हित की सुरक्षा के लिए यह भावना आवश्यक है कि उसके साथ उचित न्याय शीघ्र किया जायेगा ।"

इसी संदर्भ में गारनर ने कहा है :

"एक सभ्य राज्य की बिना न्याय विभाग के कल्पना नहीं की जा सकती ।"

जब हम इन सिद्धान्तों को देखते हैं तो पाते हैं कि अपने यहां इनका बिल्कुल अभाव है । यहां मजिस्ट्रेट में न्याय और कार्यकारिणी दोनों के अधिकार मिल गये हैं । यह मैं आपको एक उदाहरण देकर बताना चाहता हूं । सन् १९५८ में उत्तर प्रदेश में अन्न के बढ़े हुए दामों के सवाल को लेकर एक आन्दोलन हुआ, और उसको दबाने के लिए सरकार ने मजिस्ट्रेसी का इस्तेमाल किया । मजिस्ट्रेट ने जाब्ता फौजदारी की धारा १०७ के अंतर्गत विधान सभा और विधान परिषद् के बहुत से माननीय सदस्यों को इसलिए गिरफ्तार कर लिया कि वे गड़बड़ करने जा रहे हैं और शान्ति भंग करने जा रहे हैं । इस तरह से उस धारा का उपयोग किया गया । इसी तरह से इस धारा का इस्तेमाल कर के इसी सदन के एक माननीय सदस्य श्री अर्जुन सिंह भदौरिया को और उनके साथियों को छः छः महीने की सजा और १००० रुपया जुर्माना किया लेकिन जज ने जुरमाना माफ कर दिया और सजा जितनी मिल चुकी थी उसी को काफी बताया । इसी सिलसिले में सन् १९५७ में डा० राम मनोहर लोहिया ने सेल्स टैक्स दफ्तर के सामने सत्याग्रह किया । उसके बारे में जज ने अपनी राय जाहिर की है । मैं उन कोटेशन्स को पढ़ना चाहूंगा । एक मजिस्ट्रेट ने, एक न्यायाधिकारी ने, सरकार के इशारे पर कहा कि डा० लोहिया जो अदालत के सामने . . .

उपाध्यक्ष महोदय : यह बात आप नहीं कह सकते कि किसी न्याय अधिकारी ने किसी मिनिस्टर के इशारे पर कोई फैसला दिया । यह बात कहना ठीक नहीं और न कहनी चाहिए ।

श्री यादव : मैं पढ़े देता हूं कि चूंकि . . .

उपाध्यक्ष महोदय : मैं कह रहा हूं कि आप यह नहीं कह सकते कि किसी जज ने मिनिस्टर के इशारे पर कोई फैसला किया ।

15 hrs.

श्री यादव : मैं कहना चाहता हूं कि उस मजिस्ट्रेट ने कहा कि चूंकि डाक्टर लोहिया अदालत के सामने नहीं आते हैं तो उनको पकड़ कर, बल प्रयोग करके लाया जाए । जब जस्टिस ए० एन० मुल्ला और जस्टिस नसीरुल्ला बेग के सामने मामला पेश हुआ, तो मैजिस्ट्रेट महोदय के खिलाफ़ जो शिकायत

थी, उसका जवाब उन्होंने दिया । मैं आपके सामने उसके बारे में पढ़ कर सुनाता हूँ ।

"मजिस्टर ने बताया कि अभियुक्त ने दो बार उनके सामने आने से इनकार किया, जब वह जेल में उनका मुकदमा करने गए । ३० नवम्बर को वह जेल तीसरी दफ़ा गए । लेकिन जेलर ने बताया कि अभियुक्त पेशी से इनकार कर रहा है और अदालत के सामने जबरदस्ती ही ले आया जा सकता है । तब उन्होंने आदेश दिया कि डा० लोहिया को कम-से-कम बलप्रयोग कर के सामने ले आया जाय और उनको कोई शारीरिक चोट न पहुँचे ।

करीब २० मिनट बाद एक कुर्सी पर डा० लोहिया चार आदमियों द्वारा ले आये गए । फिर भी उन्होंने सवालों का जवाब देने से इनकार किया और दस्तावेजों पर दस्तखत नहीं किये । अदालत कलर्क ने तब उनके अंगूठे का निशान लेने की कार्रवाई की । उन चार आदमियों की मदद से, जो डा० लोहिया को ले आए थे, अदालत कलर्क ने डा० लोहिया के हाथ पर से चादर हटाया जो उन्होंने लपेट रखा था और उनकी मुट्ठी को खोला ।

श्री जस्टिस मुल्ला : अंगूठे के निशान की क्या जरूरत थी ?

अतिरिक्त सरकारी वकील : वह अदालत के सवालों का जवाब नहीं दे रहे थे ।

श्री जस्टिस बेग : अंगूठे के निशान की क्या अहमियत है ? दस्तावेज पर मजिस्टर का एक नोट काफी होता ।

श्री जस्टिस मुल्ला : क्यों इस तरह के मजिस्टरों को ऐसे मामले दिये जाते हैं, जो कानून नहीं जानते ? अधिक जानकार मजिस्टरों को इस तरह के मामले दिये जाने चाहियें ।

अतिरिक्त सरकारी वकील : अंगूठे के निशान की कोई जरूरत नहीं थी ।

श्री जस्टिस बेग: क्या अंगूठे का निशान लगवा लेने से दस्तावेज में खास वजन पड़ जाता है ?

अतिरिक्त सरकारी वकील : नहीं श्रीमान् । लगता है मजिस्टर जरूरत से ज्यादा सतर्क थे ।"

उपाध्यक्ष महोदय : इस अंगूठे के निशान में ही सारा समय चला जायगा ।

श्री यादव : मैं खत्म कर रहा हूं । इस संदर्भ में माननीय सदस्यों को यह सब बताना बहुत आवश्यक है ।

"**श्री जस्टिस बेग** : मैं नहीं जानता कि न्यायालय के सामने मामले के तबादले की कोई दरख्वास्त है । लेकिन मैं नहीं समझता कि उस अदालत में मुकदमे को सुनवाई के लिये उपयुक्त वातावरण है ।"

इस सम्बन्ध में श्रीमन्, मैं इतना ही कहना चाहता हूं । यह मैजिस्ट्रेसी का हाल है । और भी ऐसे तमाम मसले हैं, जिन से पता चलता है कि किस तरह के मैजिस्ट्रेट हमारे बीच में हैं । उस का एक ही कारण है कि आज न्यायपालिका और कार्य पालिका विभक्त नहीं हैं, अलग नहीं हैं, एक ही में चल रही हैं ।

इसी सिलसिले में मैं एक मिसाल देना चाहता हूं । जाब्ता फ़ौजदारी की धारा ४८० के अन्तर्गत मैजिस्ट्रेटों को यह अधिकार दिया गया है कि दफ़ा १७५, १७८, १७९, २२८ आई० पी० सी० के अन्तर्गत आने वाले जितने जुर्म हैं, वे अगर किसी मैजिस्ट्रेट के सामने आयें और अगर अभियुक्त कोई ग़लती करता है, तो उस को अदालत की बरखास्तगी तक

[श्री यादव]

कैद की सजा और दो सौ रुपए जुर्माने की सजा दी जा सकती है। अगर हम इन दफ़ात को पढ़ें और सैपेरेशन आफ़ जुडिशरी—न्यायपालिका और कार्यपालिका को अलग रखने के सिद्धान्त को देखें, तो वे कितने बेमेल हैं। लेकिन बारह साल की स्वतन्त्रता के बाद भी माननीय न्याय मंत्री का ध्यान उस तरफ नहीं गया है कि इस तरह की दफ़ात हमारे कानूनों में मौजूद हैं और आज भी वे बराबर उसी तरह से चल रही हैं।

इसके बाद सबसे बड़ा अहम प्रश्न भाषा का है। शायद मैं दूसरा आदमी हूं, जो कि इस देश की अपनी बोली में बोल रहा है। इस महत्वपूर्ण विषय—न्याय—पर जितनी बहस हुई है, वह सब अंग्रेजी में हुई है। मैं समझता हूं कि इस मुल्क में अंग्रेजी के जानने वाले तो शायद केवल एक फ़ी सैकड़ा होंगे, लेकिन हिन्दी या हिन्दुस्तानी को जानने वाले उन इलाकों में भी, जिन के बारे में कहा जाता है कि वे इसका विरोध करेंगे क्योंकि वे अंग्रेजी ही जानते हैं, अंग्रेजी के मुकाबले में ज्यादा होंगे। लेकिन आज सारा अदालती काम-काज अंग्रेजी में होता है। हाईकोर्ट की भाषा अंग्रेजी है ही और सुप्रीम कोर्ट में भी अंग्रेजी ही चलती है। और न्याय-अधिकारी भी अंग्रेजी का प्रयोग करते हैं मैजिस्ट्रेट अदालतों में भी फ़ैसले अंग्रेजी में होते हैं। इस माननीय सदन में भी कानून अंग्रेजी में बनते हैं। ये कानून और फ़ैसले किस के लिये हैं वे इस मुल्क में बसने वाले चालीस करोड़ लोगों के लिये हैं, जिन की भाषा अंग्रजी नहीं है, जो अंग्रजी का एक अक्षर भी नहीं समझते हैं। अगर किसी को कोई फ़ैसला पढ़ाना हो, तो तीसरे आदमी, किसी वकील के बगैर वह ऐसा नहीं कर सकता है और उस को नहीं समझ सकता है। सब से जबर्दस्त प्रश्न भाषा का है। वह कितना जबर्दस्त है, उस के लिये मैं फिर डा० लोहिया को क्वोट करना चाहता हूं। अंग्रेज के जमाने में कांग्रस के द्वारा चलाये जाने वाले सत्याग्रह को दबाने के लिये एक स्पेशल पावर्ज एक्ट बना था। जब उत्तर प्रदेश में नहर रेट आन्दोलन चला, तो उसी के तहत बहुत से लोग गिरफ्तार हुए और डा० लोहिया भी गिरफ्तार हुए। हाई कोर्ट में उस को उन्हों ने चैलेंज किया और वहां वह जीत गये। फिर मामला सुप्रीम कोर्ट में आया। डा० लोहिया चाहते थे कि सुप्रीम कोर्ट में अपनी बात हिन्दी में कहें। उन्हों ने वहां किसी वकील को नहीं रखा। सुप्रीम कोर्ट ने यह किया कि सरकार का पैसा खर्च करना अच्छा समझा और कोई वकील उन को दे दिया गया, लेकिन उन को नहीं बुलाया गया, क्योंकि वह चाहते थे कि सुप्रीम कोर्ट में हिन्दुस्तान की जबान में बहस करें। जब उन्हों ने इस बात पर सवाल किया, तो एक जज ने कहा कि इस अदालत की भाषा अंग्रेजी है—मैं दूसरे के बारे में बताऊंगा आगे चल कर। मैं यह निवेदन करना चाहता हूं कि जब तक न्याय, कानून जनता की भाषा में नहीं दिया जाता है, तब तक वह सही मायने में न्याय नहीं हो सकता और आज इस ओर न तो सरकार का और न न्याय मंत्रालय का ध्यान जा रहा है।

संविधान के अधीन इस देश के नागरिकों को कुछ बुनियादी अधिकार मिले हुए हैं, जैसे एक जगह से दूसरी जगह जाना, बोली की आजादी, विचार की आजादी, धार्मिक स्वतंत्रता आदि आदि। उन्हीं को अगर, श्रीमन् लें, तो जिस तरह से अंग्रेजों ने इन अधिकारों को कुचलने की कोशिश की थी नये नये कानूनों के द्वारा, संविधान में भी एक धारा है, उस को प्रतिबन्धात्मक उप-धारा के साथ अगर लें, तो उस के जरिये हिन्दुस्तान के सभी नागरिकों की आजादी को कुंठित किया जाता है और जो कोई क्रान्तिकारी काम किया चाहते हैं, उन को रोका जाता है। उन को दबाने के लिये बंगाल ईस्ट्रन फ़रन्टियर रेगुलेशन की धारा १८३

है । कोई व्यक्ति देश के किसी दूसरे भाग में नहीं जा सकता है । इसी सिलसिले में नेफ़ा का इलाका वर्जित है । इसी देश का नागरिक अपने देश के ही किसी दूसरे हिस्से में नहीं जा सकता है और अगर वह जाता है, तो उस को रोका जाता है । हमला करने वाले वहां चले आते हैं, उन को कोई रोकने वाला नहीं है, लेकिन उस व्यक्ति को रोकने के लिये सरकार और उस के अधिकारी मौजूद रहते हैं । इस देश के एक व्यक्ति के लिय ही देश का एक हिस्सा बेगाना है । स्पेशल पावर्ज एक्ट भी है और क्रिमिनल ला अमेंडमेंट एक्ट भी है, जिस के ज़रिये देश की आजादी की लड़ाई लड़ने वालों को दबाया जाता था । आज भी वह मौजूद है और उस के अन्तर्गत बहुत से लोगों को रोका जाता है, जेलों में बन्द किया जाता है ।

उपाध्यक्ष महोदय : अगर माननीय सदस्य ये बातें होम मिनिस्ट्री की डिमांड्ज के दिन उठायें, तो अच्छा होगा ।

श्री यादव : यही तो मुश्किल है कि उठाना चाहिये ला मिनिस्ट्री को, लेकिन हमारे ला मिनिस्टर और ला मिनिस्ट्री होम मिनिस्ट्री के हाथ में कठपुतली है । इस में मेरा क्या कुसूर है ?

इसी प्रकार प्रिवेंटिव डीटेंशन एक्ट है । इसी तरह धारा १०६, १०७, १०९ और ११० हैं । धारा ११० ऐसी है, जोकि संविधान की आत्मा की हत्या कर रही है । धारा १०९ भी एक काला कानून है ।

उपाध्यक्ष महोदय : मैं ने दो दफ़ा कहा है कि यह तो होम मिनिस्ट्री के अख्तियार में है । माननीय सदस्य कानून के ड्राफ्टिंग का जिक्र नहीं कर रहे हैं ।

श्री यादव : खैर, मैं आप के कहने के मुताबिक इस को छोड़ देता हूं । दूसरी चीज यह है कि हमारा जो संविधान है उस के आर्टिकल २२ के सब क्लाज २ की अदालतों के जरिये इस वक्त कितनी अवहेलना हो रही है । जब कोई व्यक्ति पकड़ा जाता है तो जितना समय उस को मैजिस्ट्रेट तक ले जाने में लगता है उस को निकाल कर २४ घंटों के अन्दर उस को मैजिस्ट्रेट के सामने पेश किया जाना चाहिये । लेकिन आय दिन संविधान की इस धारा का अतिक्रमण होता रहता है । इसी तरह फैसले भी अदालतों में होते रहते हैं, लेकिन फिर भी सरकार का ध्यान इस ओर नहीं जाता ।

इसी तरह भ्रष्टाचार की बात है । आज न्याय इतना महंगा है कि साधारण आदमी के लिये सम्भव नहीं है कि वह न्याय प्राप्त कर सके । आज आर्थिक असमानता और सामाजिक असमानता इतनी है जिस का ठिकाना नहीं है । आर्थिक असमानता होते हुए गरीब आदमी न्याय नहीं पा सकता, लेकिन आज सामाजिक असमानता इस से भी बढ़ कर है । अदालतों में यह देख कर फैसले होते हैं कि वकील किस बिरादरी का है और उस का मुवक्किल किस बिरादरी का है । आज न्याय विभाग में यहां तक स्थिति आ गई है ।

जहां तक रिश्वत और भ्रष्टाचार का सवाल है, मुझे ऊंची अदालतों की ज्यादा जानकारी नहीं है, मैं तो छोटी अदालतों की बात करूंगा जहां पर कि देश के जन-साधारण का सम्बन्ध रहता है । आज कदम कदम पर रिश्वत चलती है, भ्रष्टाचार होता है और न्याय बिक रहा है और साधारण लोग उस न्याय के करीब नहीं जा सकते ?

उपाध्यक्ष महोदय: यह आप ला मिनिस्ट्री की बात कर रहे हैं ?

श्री यादव : न्याय विभाग की ।

उपाध्यक्ष महोदय : तब तो वह चीज होम मिनिस्ट्री के सम्बन्ध में होगी ।

श्री यादव : इस भ्रष्टाचार को रोका जाना चाहिये ।

[श्री यादव]

जहां तक जजेज के अप्वाइंटमेंट का सवाल है, बहुत से माननीय सदस्यों ने कहा है, ला कमिशन ने भी इस तरफ तवज्जह की है, लेकिन आज तक इस बारे में क्या कार्रवाई की गई, यह मैं इस रिपोर्ट में नहीं पाता हूं। पिछले अधिवेशन में यहां पर ला कमिशन के ऊपर बहस हुई थी। हमारे माननीय सदस्य पंडित ठाकुर दास भार्गव ने भी इस पर काफी रोशनी डाली थी। लेकिन इस पर क्या तवज्जह हुई इस का पता मिनिस्ट्री की रिपोर्ट पढ़ने के बाद भी नहीं चला। अगर इस पर माननीय मंत्री कोई नई रोशनी डालेंगे तो सदन का बड़ा फायदा होगा।

Shri Rami Reddy (Cuddapah): Mr. Deputy-Speaker, Sir, first of all, I would like to mention about the conduct of elections both to the State legislatures and to Parliament. Shri Sadhan Gupta, while he was speaking, said that it was not desirable that the elections are completed in one day. He mentioned that the police force and other forces might be inadequate to deal with the situation.

Shri Sadhan Gupta: On a point of personal explanation. I said it is not desirable to hold the elections in one day when the elections are fought in a state of tension. Not that it is never desirable to hold the elections in one day. If there is peace, there is no harm. But if there is tension, then it becomes difficult.

Shri Rami Reddy: I would like to mention that there would not be any election without any tension. Elections are fought in tension, especially the general elections, when elections are held simultaneously, both to the State legislatures and to Parliament, in which there are strong or strict fights. When several parties are participating there is bound to be tension. But it is the electorate that has to be educated in this matter, and they must be made to feel that they should not indulge in acts of violence and that they should not adopt undue methods in the elections.

I would appeal to the Government to see that elections are completed in one day. Now, the elections are spread over from 10 to 15 days. In 1957, when there was a general election, the elections were spread over a period of 15 days so much so that the candidates were put to heavy strain, the political parties were very much strained. They have to be in the thick of the elections over a period of 15 days, let alone the period prior to the elections which is occupied in preparations and all such things. So, it involves a lot of expenditure. I know that several candidates belonging to the Opposition, the Congress party and all other parties spend much more than the permissible limit laid down in the Representation of the People Act. They sometimes spend treble or four times the permissible limit. The money that is spent by the candidates is sometimes four to five times the permissible limit. Yet, to satisfy the law, they would only show the accounts as coming within the permissible limit.

Therefore, if elections are held in one day, much of these difficulties would be avoided. Much of the expenditure could be saved and much of the strain could also be avoided. Apart from that, if the general elections are spread over a number of days and the results are announced from day to day, they will have some serious repercussions in the other places where the results are yet to be announced. Therefore, I would strongly commend that elections should be held simultaneously throughout the State, in one day and completed in one day. It does not matter if the counting takes two or three days.

I also understand that the Election Commission is trying to hold the next general elections in such a way that they will be completed in one day. I would very much welcome such a decision, and I commend that such a decision, if it has been taken, is not altered.

In this connection, I would like to mention another aspect and that is in regard to the delimitation of constituencies. I think that the Government have taken a decision that there should be no plural constituencies for reserved seat candidates and that the elections for reserved seats shall be kept separate. I think that there is such a decision for which the Government are going to bring forward a legislation, namely, for reserved seats there would be single member constituencies. In that case, there will be an overall delimitation of constituencies throughout the country.

Now, there are certain difficulties. When we go from one end of a constituency to another constituency, we will have sometimes to pass through some other constituencies. There are parts of some other constituencies in all constituencies. To avoid all these things, I would request that, while delimiting the constituencies, proper care may be taken to see that the constituencies are compact and contiguous and that the distance from one end of the constituency to another is minimised to the maximum extent possible.

Coming to the administration of justice, I would first like to mention that the general standard of efficiency, both of the judges as also of the members of the bar, as is the case in the other spheres of administration, has considerably gone down. Therefore, proper steps have to be taken to increase the standard of efficiency both of the judiciary as well as that of the members of the bar. The primary necessity for increasing the standard of efficiency of the members of the bar as also the judiciary, to my mind, arises from the need to reorientate the legal education in the law colleges. Now, all graduates who do not find employment and who have no other opportunity to work anywhere go to the law colleges and then they pass out of the colleges and set up practice. In the colleges also they do not take seriously to legal education. They just pass out and then set up practice. If you want to improve the efficiency of the bar and that of the judiciary, you will have to place certain restrictions in regard to the admission of students to the law colleges. If you want students to study in the professional colleges such as medical, engineering and so on, you require certain minimum standards to be fulfilled. In the case of law colleges, therefore, I would suggest that admission to law colleges should be guided by certain principles of efficiency, credit and merit and so on.

In regard to the recruitment to the subordinate judiciary, I would point out that now, in several States, recruitment is made by the Public Service Commissions. Of course, a judge of the high court is associated with the members of the Public Service Commission concerned, at the time of the interview. He is supposed to act as a technical expert in regard to the recruitment. But now, the number of members of the Public Service Commissions is too large at the interviewing boards. Their number would be generally three or four and there would be only one judge from the high court. Therefore, in many of the cases the views of the High Court judge may not be properly accepted by the other members of the Public Service Commission and, this way, people of real merit are not recruited to the subordinate judicial service. So, I suggest that in the coming Law Ministers' Conference he may impress on the State Law Ministers that the recruitment to the subordinate judiciary should be entirely entrusted to the High Court Judges, because they are the best persons to judge the merit of advocates and then recruit the best people to the subordinate judiciary. In this connection I would like to mention that some of the junior members of the bar are really brilliant and talented people and, for some reason or

[Shri Rami Reddy]

other, they are not prospering in the legal profession. As is well known, legal practice both in the High Courts and Supreme court and even in the district level is concentrated on a very few hands. A member of the bar may be very brilliant and he might have passed his examination with flying colours but he may not be getting enough practice, because for securing good practice several considerations weigh, influence and other things. Some of the talented juniors are not able to show their merit, because they do not get opportunities, and so they are not able to come up. I am sure that the Law Minister must also be aware of this, because he was an active member of the Bar. He must take some action to see that these talented juniors are not kept idle and that their talent is utilized in the administration of justice.

The second speaker on this subject suggested that the junior advocates might be asked to associate themselves with senior members of the bar and share with them their work so that they may gain experience. I really commend that suggestion.

Coming to the cost of litigation, I may point out that it is excessively high in several States. Some of the States are utilising court fees as a source of revenue. I am of the opinion that in a Welfare State justice should be dispensed to one and all free and not at a price to be paid by the litigant public. It is the duty of the State to dispense justice at its own cost. Now many of the States have very high rates of court fees. For example, the fees for a writ, which originally was only Rs. 10 now is fixed at Rs. 100. In the same way, court fees has been increased for many other items of litigation. So, I would like to request the hon. Minister to impress upon the State Law Ministers that appropriate steps should be taken in all the States so that the administration of justice and litigation may be very cheap and the court fees is the minimum possible amount.

Coming to legal aid to the poor, though this subject is being dealt with by this Ministry, I find from their report that they have not given any information as to what progress they have made in this direction. Except the information that this subject is also attached to the Ministry, they have not given any other information. What progress have they made? What steps have they taken in the matter? What suggestions have been made to the several State Governments to implement this? From this Report I have to judge that no progress has been made at all in this direction, because if any progress has been made certainly they would have mentioned it in four or five sentences. The Law Commission has also suggested that legal aid must be given to the poor. Of course, it involves some expenditure but I believe this Ministry would exert its utmost to impress on the State Governments the necessity of implementing it, if necessary by giving some Central assistance. In any case, legal aid must be given to the poor in all deserving cases.

Then, while referring to the standard of efficiency of the Bar, I forgot to mention one thing, and that is with respect to libraries. In most of the States, the libraries in the courts—I do not know much about High Courts, but, at any rate, at the district level—are inadequately equipped. I know of several cases where for want of latest decisions some other decision has been given by the district munsif or judge. Then in the course of a few days, ten or fifteen days, the decision which was given by the High Court or Supreme Court prior to the decision of the district munsif or Sessions Judge, on that point alone the case has to be taken to the High Court or Supreme Court. If the libraries are properly equipped, such contingencies could be avoided. In some of the municipal and district courts even text-books on laws are not available. Therefore, I would suggest that some financial assistance should be given by the

Centre to ensure that the Bar libraries and the courts are properly equipped with the text-books and the latest decisions of the various High Courts.

It has been recommended by the Law Commission that Nyaya Panchayats should be established throughout the country. Now it is my experience that in petty cases involving small sums, small cause suits involving Rs. 50 to 100, people have to go to a mofussil town at a distance of 50 to 100 miles. Both the parties have to go to the court a number of times. They have also to take their witnesses along with them. They have to stop their agricultural operations during those days. The value of the suit may be Rs. 100 or 150. There are hundreds of suits of this nature in the mofussil courts. The expenditure involved in this litigation would not be sufficient to meet the costs, even if it succeeds. Since we are now thinking of embarking on decentralisation of administration, in this view of the matter, if we establish *nyaya* panchayats throughout the country and small cause suits, petty criminal cases etc. are entrusted to the *nyaya* panchayats, litigation will come down to the maximum extent and the people concerned will be able to get proper justice.

Lastly, coming to criminal justice, in our country, in criminal matters especially, the courts have to depend purely on oral evidence of witnesses. In 99 per cent. of the criminal cases justice is dependent on the evidence of witnesses alone, and not documentary evidence. Scientific methods of investigation are not at all available. Even the science of finger print has not advanced sufficiently in our country so much so that in most of the criminal cases, though there are several accused in a case and only some of them would be really guilty because some would have participated in the crime and others would not have, when the witnesses are giving their evidence the prosecution would naturally like to contend that all accused participated in the crime. The judge has either to accept the whole evidence or to reject the whole evidence. In the absence of any scientific evidence, say, fingerprints, the judge will be compelled either to accept the whole evidence and convict all the accused or to reject the whole evidence and acquit all the accused. In some cases innocent people are thus convicted and in many other cases the really guilty people are escaping. But if scientific methods of investigation are developed and if these methods are adopted, the investigation department would be able to find out the real accused and put up the case against him. Therefore I would request the hon. Law Minister to impress upon the several State Governments who are responsible for the investigation of these crimes and other things to improve the scientific methods of investigation.

Mr. Deputy-Speaker: Members may now move their cut motions relating to the Demands under the Ministry of Law subject to their being otherwise admissible.

Need for reduction in the expenditure on officers

Shri Yadav: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 13,00,000." (121)

Failure to abolish the system of solicitorship in Calcutta High Court

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100." (177)

Delay in the disposal of cases

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100." (178)

Need for recruitment of judges in the District Court from the Bar

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100" (179)

Need for fixing the maximum and minimum ceilings of legal fees

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100." (180)

Need for helping the Bar Libraries

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100." (181)

Need for reorienting the manner and method of legal education

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100." (182)

Failure to separate executive from judiciary

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100." (183)

Need to give free legal aid to the poor litigants

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100." (184)

Failure to reduce the rate of the court fees

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100." (185)

Speedy implementation of the recommendations of the Law Commission

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100." (198)

Need for careful drafting of agreements with foreign countries or foreign firms in public sector

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs. 100." (199)

Policy regarding allotment of election symbols to political parties

Shri Yadav: I beg to move:

"That the demand under the head 'Elections' be reduced by Re. 1." (125)

Need for reduction in the expenditure on elections

Shri Yadav: I beg to move:

"That the demand under the head 'Elections' be reduced by Rs. 47,00,000." (122)

Unusual delay in holding South-Calcutta bye-election

Shri Aurobindo Ghosal: I beg to move:

"That the demand under the head 'Elections' be reduced by Rs. 100." (200)

Mr. Deputy-Speaker: These cut motions are now before the House.

Shri P. R. Patel (Mehsana): Mr. Deputy-Speaker, Sir, a great responsibility lies on the Law Ministry of this Government. The faith in demo-

cracy is always maintained by proper elections and proper administration of justice. If people lose faith in elections or in the judiciary or if the executive interferes in elections or in the judiciary and people so believe rightly or wrongly then that is the end of democracy and people take to undemocratic ways to redress their grievances. So I am submitting that it is a great responsibility on the hon. Law Minister to see that the judiciary functions well.

In our country the judiciary ranges from small courts to the Supreme Court. The lower judiciary is mostly under the administration of the State Governments. What I feel is that if at all the judiciary is to be made independent, if there be any transfer of or any punishment to any judge the sole authority should be the High Court and not any Government. Today what we find in the States where judiciary is separated from the executive is that transfers and promotions, these two things are in the hands of the State administration and so exert their influence. There are so many things said in this regard. So I would suggest that the hon. Law Minister may consider if he thinks proper whether the right to transfer a sub-judge or a magistrate or to punish a sub-judge or a magistrate for any fault should rest with the High Court and that power be taken away from the State administration.

The second thing I want to suggest is in regard to the appointments of public prosecutors. So far we know they are appointed by the police department in most of the States. The duty of the public prosecutor is to see that justice is done. It is not the duty of the police prosecutor anyhow to get conviction. But as they are appointed by the police administration they are under the thumb of the police administration and they always try to get conviction some way or the other. That is not a good thing. If they are convinced that the case is not a sound one or that the accused is not guilty, I think the public prosecutors or the police prosecutors should be strong enough to say that in clear words to the hon. court. For that purpose I desire that the appointments of the prosecutors should rest with the Legal Remembrancer and not with the Police Department. I hope the hon. Law Minister will consider this matter too.

The third point that I would like to suggest is about the appointment of honorary magistrates and JPs. In some States, I would say in all the States, honorary magistrates and JPs are appointed by the State Governments. They are required to function under the Criminal Procedure Code. That is a judicial matter. No doubt more powers are not given to them and they have just to affix their signature, nothing more. However under the Criminal Procedure Code more powers could be given to the honorary magistrates. The section is very clear about it. If honorary magistrates happen to be those persons who take active part in politics or who happen to be those persons who support a particular political party in that case people think that these are the party persons who are appointed as honorary magistrates. They are there because of their affiliation to a particular party. I desire that honorary magistrates should be above any suspicion and political affiliation. I can tell you that so far as Bombay State and my constituency are concerned, I am sorry to say that what I find is that specially those persons who are affiliated with Congress are nominated as honorary magistrates. They function as honorary magistrates. Whoever functions is a different question but after all this is a part of the judicial function. An honorary magistrate is expected to discharge some acts under the Criminal Procedure Code.

15.38 hrs.

[SHRI MULCHAND DUBE *in the Chair*].

I desire that people should not feel that it is only the privilege of members of a particular party to be appointed as honorary magistrates.

Shri Achar: Are not others also appointed?

Shri P. R. Patel: No, Sir, not a single one. You will find that in the Bombay State not a single one who is not a member of the Congress Party has been appointed. But I did not like to say that.

An Hon. Member: Everywhere.

Shri A. K. Sen: I can tell you that in every State the honorary magistrates condemn the Government whenever they have an opportunity. Certainly they do it rightly and in justification. But that shows that the appointments are really of independent persons.

Shri P. R. Patel: That is not so.... (*Interruption*). Just enquire into the matter.

Shri A. K. Sen: I refuse to have such a poor opinion of the Bombay magistracy.

An Hon Member: What about other States?

Shri P. R. Patel: I would say one thing more. Some States claim to have separated the judiciary from the executive. It is a nice thing. No doubt certain powers are given to the executive which can drive out a person from a district without any trial. That power is given to the executive. Apart from that, after all the judiciary is separated in certain States. But there are certain States where the judiciary has not been separated from the executive. I wish that is done early.

Some days back there was a question here regarding some tribunal in Punjab. That happened because the judiciary happens to be under State control, because a Judge can be transferred and another appointed in his place.

The judiciary should work in such a way that the people have ample faith in it, that they take the decisions given by it as God's decisions and abide by them. Unless that feeling is there, I think we shall not succeed in making our democracy strong.

Another function of this Ministry is elections. This is also a very important thing. If we can educate the people and the voters that the Government can be changed by elections, I do not think they will resort to any but constitutional means, and so the responsibility is very heavy on the Law Ministry.

Today what do we find? We see, and naturally in a democracy there will be, political parties, and there ought to be political parties, because I do not agree that in a democracy there can be only one party as was said by a great leader of Russia in the Central Hall. I do not agree with it. But the political parties also should function in a way that the people feel that there would be fair elections.

Now, political parties spend money, they collect money. There have been discussions here. My P.S.P. friends have been charging the Congress with collecting large election funds, and the charge came from the Congress side that the P.S.P. was doing the same thing. Also, the charge came from the Communist friends, and the same charge was levelled against the Communist Party.

Naturally, in elections, the parties collect money and spend money, but I desire a section in the election law requiring the political parties to submit a return of their expenses. Today, a party can spend any amount and need submit no return of expenses, while an individual candidate is required to submit a return of expenses. The result is that if I am supported by a political party, I may spend any amount naturally, but submit a return for not more than the amount allowable; the political party may spend any amount for my election, and those expenses are not put before the tribunal.

Take the case of bribing. If a candidate bribes, it is an offence, but if the party spends money for bribing the voters, how are we to find out, because the return of the party's

expenses is not submitted to the election officer?

So, I submit the Law Minister should consider of having a section in the election law requiring political parties to submit a return of their expenses so that we can make out from that the ways in which they have spent the money.

Even a poor man, the common man, in this country should feel that he can stand in the elections, fight the elections, and go to a legislature or Parliament. If that feeling is not there, and if, on the contrary, there is a feeling that a man, only if he is supported by moneyed people or by a party having big money, can be returned to the legislature or Parliament, then the people will lose faith in democracy. I sincerely and earnestly request the Law Minister to consider this point and make a change in the law as early as possible.

Secondly, it is argued every time that communalism is bad, casteism is bad. I do say it is bad, but at the time of elections, we approach castes and communities to get their votes. Nobody can deny that.

An Hon. Member: No.

Shri P. R. Patel: When my hon. friend says "no", I would remind him of what happend in Kerala. Coalition with the Muslim League was entered into only for winning the Muslim votes.

Communalism and casteism must stop if we want to make our democracy strong, and I suggest that in the election law a section be added to the effect that having the support of a caste or a community would disqualify a candidate even if he wins the election. If we are very clear on this point and adopt this procedure, casteism and communalism will stop.

Shri Amjad Ali: There is a section in the Representation of the People Act.

Shri P. R. Patel: It is there, but it is not so clear. Everybody says that students should not take active part in politics. When there is any trouble in any university, everybody comes out with the statement that the students are used by political parties or politicians to their advantage, and it is true also. Students, young people, emotional people, are misused, but is there anything in the law debarring students from taking part in politics or supporting a political party or a candidate in elections? Nothing absolutely. So, I suggest that in our election law a section be added that no university, school, college, high school or any institution can support any political party or any candidate in elections, and if students' help is sought or is taken, that should be considered to disqualify the person concerned. Unless we take some such radical steps, I do not think we shall be able to keep students from active politics.

Today, what is happening? Everywhere, in any university, big or small, the students are organised, and they look more to their rights than to their duties, and political workers are always behind the students. I would suggest that if you want to have peace in our country, if you want that students should not be a party to any political party or any politician we should put a clause in the election law that if students are used then the election will be void. I know, Sir, in all elections.....

Shri Tyagi: It will be difficult to get elected.

Shri P. R. Patel: Well, it may be difficult. But what happens is that students are being used for that.

Dr. M. S. Aney: I want to put a question. Suppose a student above the age of 18 stands as a candidate?

Shri P. R. Patel: An age of 18 is not sufficient. I may remind him, it is 21.

Shri A. K. Sen: It is 21.

Did not Mr.Patel have students canvassing for him?

Shri P. R. Patel: No, Sir. But I say students have been working against me. It should be stopped now.

Shri Tyagi: There are no schools there.

Shri P. R. Patel: After all, Congress uses Seva Dal. I did not like to mention all this. What is Seva Dal? And their patrika is issued by the Congress. In that *patrika* it was written that young boys should go to their parents, sit before them, persuade them and take them to the polling station and get the votes for the Congress. I have read this in the Seva Dal *patrika*. If you want to stop these things, I think the burden shall have to be borne by the major political party, not by a small party or individuals.

I shall end my speech by just submitting one thing more and that is the allotment of symbols. I think symbols should be such that no feelings should be created thereby. We use the symbol "cock". The Congress uses the symbol "two bulls" and in the villages people think, "If we just give our votes to 'bullocks', that would be better rather than giving to anybody else." I think these feelings should not be allowed to be aroused so far as the election is concerned. Again, to give the voters' list only to recognised parties who have collected 3 per cent votes is not proper. I think that is also a privilege and that should not be extended to political parties and candidates.

Lastly, I submit that so far as election tribunals are concerned, I am of the opinion that district judges are no good for tribunals. I think High Court judges be appointed in tribunals and they should be asked to conduct the election cases.

श्री अचित राम (पटियाला) : सभापति महोदय, मैं इस के मुताल्लिक केवल एक दो बातें कहना चाहता हूं। मैं पढ़ रहा था इस मिनिस्ट्री की रिपोर्ट को कि क्या कोई ऐसा तरीका हो सकता है कि जिस से आम लोगों को इन्साफ मिल सके। आज हालत ऐसी है कि कानून सामने है। जो जज है वह भी इस बात का कायल है कि जो मुल्जिम है उस पर इतनी सख्ती से कानून का अमल नहीं होना चाहिये। लेकिन इस के बावजूद भी मुल्जिम के बखिलाफ इस किस्म की सजाओं के फैसले होते हैं जो लोगों को हैरान कर देते हैं। मुझे खुद इस बात का तजुर्बा है। मुझे एक जगह पर पंजाब में एक मुकदमे में गवाही देनी पड़ेगी। जब मैं वहां गया तो जज ने मुझ से पूछा कि मेरी फलां आदमी के बारे में क्या राय है। मैं उसे छिपाना नहीं चाहता। मेरे एक मोहतरम दोस्त हैं सरदार सज्जन सिंह, एक्स एम०एल०ए० हैं, हमारी सर्वेन्टस आफ पीपल्स सोसायटी के लाइफ मेम्बर है, उनके खिलाफ खयानत का मुकदमा चला। मैं जानता था कि वह मुकदमा ठीक नहीं है। जब मैं वहां गया और मुझ से मेरी राय पूछी गई तो मैंने कहा कि मैं तो उस आदमी को दयानतदार समझता हूं। मेरा उन का बड़ा प्रेम है। जज साहब फरमाते हैं कि आप के अन्दर उन के लिये जो प्रेम है उस की मैं कद्र करता हूं। आप ने जो थोड़े से लफ्ज इस्तेमाल किये, उन में मैं बड़ा खुई हुआ। जो कुछ मुझ से पूछा गया, मैं न बतला दिया। उस के बाद जब तारीख खत्म हुई तो सरदार सज्जन सिंह ने मुझ से कहा कि आप के साथ मैजिस्ट्रेट ने बड़ा अच्छा सुलूक किया, लेकिन आप देखेंगे कि जब मुकदमे का फैसला होगा, तो उस के अन्दर सजा मुझे जरूर होगी। मैंने कहा यह कैसे हो सकता है? जब जज खुद मानता है कि तुम इतने दयानतदार आदमी हो और वह तुम्हारी इतनी इज्जत करता है तो यह नहीं हो सकता। लेकिन जब मुकदमे का फैसला हुआ तो उस आदमी को दो साल की सजा दी गई। मैं हैरान था कि जिस आदमी के मुताल्लिक लोगों की जो राय है उसे जज साहब महसूस करते हैं और है भी ठीक, मेरा वाकिफ है, मैं भी कहता

हूं कि दयानतदार आदमी है, फिर भी दो साल की सजा हो गई। मुझे यह पता तो नहीं कि हमारे ला मिनिस्टर इस कानून को क्या शक्ल दे सकते हैं, लेकिन मेरी यह दरख्वास्त है कि इस को ऐसी शक्ल दी जाय कि जज साहब मजबूर हो जायें इस बात के लिये कि इस किस्म का जुल्म न होने पाये। वह ऐसा आदमी है कि अगर इस इश्यू पर रिफरन्डम ले लिया जाय कि पंजाब के अन्दर दयानतदार आदमी कैसा होता है, तो शायद मैजारिटी यह राय देगी कि वह शख्स एक दयानतदार आदमी है। मेरा जाती तजुर्बा है। वह मेरे घर के अन्दर आया और गलती से मेरा पेंट लेता गया। उस आदमी ने घर जा कर उस पेंट को इस्तेमाल नहीं किया, घर में जा कर सन्दूक में रख दिया और बाद में वापस किया। वह सोशलिस्ट पार्टी का मेम्बर है, लेकिन इस का यहां पर कोई ताल्लुक नहीं है। ऐसे अच्छे आदमी के साथ इस तरह से हुआ। उस को दो साल की सजा हुई और ५०० रु० जुर्माना हुआ। उस ने कहा कि पार्टिशन के बाद में कहता रहा कि मेरे पास ३०० रु० हैं, मैं किसे दूं। लेकिन उस की बात की परवाह नहीं की गई। इस लिये क्या कोई ऐसा तरीका हो सकता है जिस के अन्दर बेगुनाह आदमी, मुअज्जिज आदमी, पब्लिक के अन्दर जिस के ऊपर बड़ी अच्छी राय हो, उसे खयानत करने के जुर्म में सजा हो जाय। सेशन्स कोर्ट में मुकदमा गया। वहां पर दो साल की सजा माफ कर दी गई और ३०० रु० जुर्माना किया गया। अब उस की अपील चल रही है। यह बात्या मैं इस लिये बयान कर रहा हूं कि यह मेरे सामने है। हमारे मिनिस्टर साहब यहां बैठे हुए हैं, जिन के लिये मुझे बड़ा एहतराम है। क्या कोई तरीका ऐसा हो सकता है कि जिस से किसी बेगुनाह आदमी को सजा न हो जाय? आज उस को सजा हो गई है और कोई उस को पूछने वाल नहीं है। इस तरह के बहुत से केसेज हैं, इस लिये मैं अर्ज करूंगा कि कोई ऐसा रास्ता निकालिये जिस से बेगुनाह बच सके और लीगले डिपार्टमेंट अपना फर्ज पूरा करता रहे।

इसके अलावा एक छोटी सी बात और कहना चाहता हूं जो कि कोर्ट फीस के मुताल्लिक है। बाज दफा ऐसा होता कि है कोर्ट फीस में बहुत सा रुपया लोगों का लगा देना होता है, लेकिन कोई कोई आदमी उस का इस्तेमाल नहीं कर सकता। इस के लिये पैसा वापस होने की हद छः महीने मुकर्रर की गई है। अगर छः महीने के अन्दर उस को दाखिल कर दीजिये तब तो पैसा वापस हो जाता है, नहीं तो नहीं मिल सकता। कोर्ट फीस का कागज कोई गन्दा तो नहीं हो जाता, पैसा उस पर खर्च हुआ ही है, यह तो है नहीं कि उस का पैसा खर्च नहीं हुआ, इस लिये उस पर यह बन्दिश नहीं होनी चाहिये कि वह दो महीने या छः महीने में उसे वापस कर दे। जब भी वह वापस कर सके, तो उसे उस का पैसा वापस मिलना चाहिये।

मैं सिर्फ यही दो बातें अर्ज करना चाहता था।

Shri Tyagi: Sir, I have very little to submit. I have all through been a lay-man and I do not know much of law. But I have suffered the infliction of law practically all through my life.

My first reaction about the present set-up is: that we are wasting a talanted Minister like Shri Sen on this small Ministry of Law. Previously with Law there used to be some other department attcahed—mostly such departments as were not on the Union List. For instance, now also we have Ministers who deal with subjects which are not in the Union List. We still carry some vicarious responsibility which has been put on the shoulders of the State Governments, for instance, education, health and some such things—I do not know how many. So, I would suggest that now, after the hon. Minister has had his experience of the Law Ministry, the Prime Minister who is the Leader of the House

[Shri Tyagi]

might economise the expenditure and also make an economy of persons by just giving some more subjects to this Ministry. I think a Ministry dealing with the subject of giving opinions only is not actually a major Ministry. This is just a suggestion which I am making for the consideration of the Prime Minister.

16 hrs.

Shri Khushwaqt Rai: It is a case of under-employment.

Shri Tyagi: Coming to the procedure, I would say this. Although I do not know much about law and its procedure, yet I know the reaction of the people at large. The people generally feel, and their grouse against the whole procedure and system of law is that it has become too expensive. The lawyers' fees are rising. You will pardon me, Sir, for saying this, that I have not been quite happy with the class of lawyers, since we boycotted law courts in 1921. I have always been feeling that it is a class of parasites which comes second only to politicians. The first-class parasitic class is that of politicians who do nothing; they would not add any wealth to the nation, all the same, they occupy the highest positions and try to command, as if it is their right by birth or profession, I do not know, but that is the way of democracy. Immediately after them in the line of parasites come the lawyers. I can understand doctors charging.....

Shri Amjad Ali: May I put one question to Shri Tyagi? Suppose he is falsely implicated in a kidnapping case, would he or would he not require the services of a lawyer?

Shri A. K. Sen: That is a contingency which it is impossible for us to visualise.

Shri Tyagi: I can assure my hon. friend that I shall not take to any such practices. I have passed that age.

Shri Amjad Ali: Suppose the hon. Member is falsely implicated.

Shri Tyagi: Whatever be the case, the position is this that the lawyers are a thriving class. Their number also is increasing, and they live on simpler people who are in trouble. Always, they exploit such persons as are miserable in society and are in trouble. I beg to be excused for saying this. Sir, you come also from the same class, and you know it better than I do.

The lawyers' fees are rising like anything. It is on that account that justice has become very costly. So, what is the fun of a democracy if we cannot give cheap justice, cheap not in the sense of the standard, but cheap in costs. Can we not give them cheaper justice, that is, justice at cheaper cost?

Dr. M. S. Aney: What things is my hon. friend getting cheap in democracy? Is he getting food, clothing or anything else cheap in democracy?

Shri Tyagi: That is the problem which faces the nation today, and I assure you that I am voicing the feelings of practically the whole of India when I say that justice is becoming exorbitantly costly, and, therefore, something must be done to reduce the cost. Unfortunately, this House is also composed mostly of lawyers, and they might not agree to cut their own pockets or to have their pockets cut. But my feeling is that perhaps they might consider this matter. These are the days of socialism and a lot of many other slogans. Could they not think of applying any ceiling to the income of this parasitic class, so that they could exploit society only to a limited extent?

Now, what is happening? There are murders committed in a particular district, and a murderer is reported to have said, 'Oh, it does not matter, there is Pandit Thakur Das Bhargava sitting, and he will argue my case, and he will save me from the court.' And that is what he says about Pandit Thakur Das Bhargava who is sitting

by my side here. This is the reputation of the lawyer. Anyway, I do not want to annoy my hon. friends, but I beg and pray that something must be done, and my hon. friend the Minister is the best person who can act very judiciously in this matter, because the lawyers have faith in him, and non-lawyers also have faith in him.

Shri Khushwaqt Rai: What about a ceiling on the income of politicians?

Shri Tyagi: My next grouse is against delays which tell on the people. Delays are now becoming a habit with all the courts. I tabled a question to the Home Ministry about the numbers of cases pending in the Supreme Court and the various High Courts. You will be surprised at the manner in which the pendency has risen. For instance, in the Allahabad High Court, the number of pending cases in 1947 was 15,333. From this figures, it has risen in 1957 to 41,834.

Shri Amjad Ali: Not much.

Shri Tyagi: High Court cases cost a lot, and if they go on pending every year, we know what happens. In the Madras High Court, in 1947 the number of pending cases was 11,254. But in 1957, ten years after, the figure has risen to 16,318. In the Punjab High Court, the number of pending cases in 1947 was 2,955. Ten years after, it is 14,896. Likewise, this is the position in each High Court. In this way, the total number of pending cases on the date when the question was answered was 1,95,119. This is the state of affairs in the High Courts.

There are cases as old as 10 years and 15 years. A generation is lost, but the case is not decided. It is better that the case was lost rather one lost one's life in waiting for the verdict of the Judges. What is this justice? This is a point about which the country is very sore. I think the time has now come when we should effect some reform to expedite justice.

Another point I want to bring to the notice of my hon. friend is about jurisprudence. This also deserves consideration. In France, an accused can also be cross-examined. There is some such provision there. The method of jurisprudence is that the benefit of doubt must go to the accused. Very good. I think it is a good thing when there is litigation between an individual citizen and another citizen. I could understand it. But when it is a case of the State *versus* an individual, perhaps a little change could be effected. There the benefit of doubt must go to the State.

Shri Amjad Ali: Preposterous (*Interruptions.*).

Shri Tyagi: This is in case of doubt. Benefit of doubt is a neutral thing. It goes either to this side or that side. But when there is a case between the State and an idividual the benefit of doubt must go always to the State. This is a suggestion which I would like my hon. friend to consider.

Then I come to cross-examination. I do not know why if an accused makes a confession, it is not regarded as valid. Therefore, although he confesses, he is not guilty still. That is something, the logic of which I do not understand. If the accused confesses, why should we take his statement not conclusive? Why unnecessarily give him the benefit of retracing his statement and telling lie also and his statement will have no value. I think it should be the most important statment to be taken notice of

Shrimati Renuka Ray (Malda): Suppose he make the statement under duress?

Shri Tyagi: Then that may be taken into consideration. There can be no duress.

Shri Sadhan Gupta: Why not?

Shri Tyagi: I only suggest that some changes may be effected not only in the procedure of law or the present jurisprudence as is being practised, but also in various other aspects of laws. It is high time we did that.

[Shri Tyagi]

I must also pay my compliments to the Law Commission. They have produced very good documents. Their reports are most interesting. I must congratulate them on the labour they have put in. They have made very good recommendations, though, perhaps, in many cases they do not satisfy me because they would not curtail all these delays. When is the Ministry going to take these recommendations into consideration? They are always coming forward with Bills like the Dowry Bill and other measures of social reform.

Shrimati Renuka Ray: Why not?

Shri Tyagi: My hon. friend is already married; she need not bother about it. There are many other social reforms which can take care of themselves. (*Interruptions*).

Shrimati Renuka Ray: Do you want to take cases only because they affect personally? I want to ask the hon. Member whether he wants to take the case of only those affecting him personally?

Shri Tyagi: It is all right for the hon. lady to have taken benefit of the previous customs by amassing so much of dowry and now denying it to others. That is another matter. (*Interruptions*).

Shrimati Renuka Ray: We do not belong to a community which takes dowry.

Shri Tyagi: I do not want to annoy any Member of this House.

Mr. Chairman: It should not be done.

Shri Tyagi: I am sorry, Sir. I again repeat; as long as my hon. friend is here, if the hon. Prime Minister does not pay heed to requests made from a little distance from this mohalla, he is in the same mohalla and cannot he make a suggestion? Why does he waste his life and talents on a small Ministry? He can take over some other portfolio and keep himself fully engaged. That is all I have to say, Sir.

Shri A. K. Sen: Mr. Chairman, Sir, it has been a good fortune that every year the Law Ministry comes up before the House and is attracting more and more attention from the hon. Members. May I start with the very pertinent observations which have fallen from my esteemed friend, Shri Tyagi? May I say how heartily I agree with his demand for a system of justice which ensures speedy and inexpensive—I do not use the word 'cheap' because it has a double meaning—speedy and inexpensive justice for the ordinary man? I think if a country or if a system of Government fails to meet that most urgent demand which is the least that can be raised on behalf of the people, it fails in one of its essential duties. I must admit that in the midst of our craving for a more industrialised State or for more factories or for more production and for other things economic, we tend to lose sight of certain basic facts of our social and political life.

No democracy can thrive, there cannot be any stable system of administration of justice unless the people enjoy a system of justice which is dear to them, of which they can feel proud and which to them means something of their own. I am very sorry that as yet the system which prevails today is so expensive for the ordinary man that once he enters the courts of law he understands to his bitter cost how expensive an adventure he has undertaken and when he leaves the courts he comes back a bitter man even if he wins.

I remember the case of a person for whom I fought a case when I was a comparatively junior Advocate in the High Court. The suit was only for Rs. 3,500, for goods sold and delivered, against two defendants. The suit went on for a month and a half.

Even for paying the rather reasonable fee which I used to charge in those days, he had to incur a much larger sum than the claim for which he had filed the suit. As a result, after he obtained the decree, he never visited the High Court again, even to execute his decree. This is a lesson I learnt in the beginning of my life and a lesson I wish to preserve and keep on learning and not forget till the end of my career..... (An Hon. Member: professional)....professional or otherwise. I think it denotes a system which stands condemned—not the system as such basically—but a system which affords legal assistance only at an exorbitant cost for the ordinary man, those who are not happily placed. Big firms, big companies and big litigants do not mind it so much because they can pay the price that is to be paid to it. I am afraid that a lot has to be done yet to ensure to the common man a system for which he is not to bleed. If a man bleeds for a system which purports to give him justice, he does not love that system nor is that system to be continued for all times to come. I have said it previously and I wish to repeat today that there could be no shorter cut for achieving this result than by establishing fairly representative courts composed of men who are qualified to act judicially on the panchayat level to whom a large part of the smaller litigation should be entrusted for adjudication because if you entrust the small disputes to the ordinary courts, the expenses are bound to be unreasonable. You must give more and more work to our panchayat courts. The panchayat courts should be made representative and fit for the job.... (An Hon. Member: They are not) The reason being that we do not maintain or sustain a system of panchayat courts which have professionally qualified men in the courts.

Shri Tyagi: Will it come by elections because if they came by elections they will try to please the majority in the village?

Shri A. K. Sen: You should have to think of it. It may be that along with professional element, we have to associate others but the professional element may not have to please the electorate or even if the electorate has to be pleased, a good professional man may yet function properly but these are things to be considered. An ordinary court of law in no country can ensure cheap justice however much you may talk. Take for instance, the English courts system. Cheap justice is given to the poor because of the legal aid to the poor and but for that system the poor would not have got cheap justice there. So, even in England that was the position until a good system of legal aid to the poor was introduced. It is the same thing in America. But in other countries where they have something like the panchayat courts—call them people's courts or other courts—with qualified professional men to guide the court, they have been able to ensure very speedy and cheap justice. There is no doubt about it and I have seen it myself. A case does not go for more than two months and the professional element in the court introduces and ensures a proper and judicial element which ascertains facts judicially, impartially and fearlessly and applies the law equitably. We have to think of introducing such courts for the ordinary type of litigation. For the bigger type of litigations and more important types of cases, I do plead and I am firmly convinced that our system of justice is basically a sound one. Our Judges, and our traditions have been good and our Judges have been by and large fearless and good and independent and have proved their worth and quality, times without number. Even in the midst of heat and passion which we have witnessed in Kerala during the last two years, I must say that the judiciary was the only element in our political and social life which kept its balance undisturbed and preserved the fabric of our Government and Constitution without fear or prejudice, without trying to please either one or the other

[Shri A. K. Sen]

party, and trying to do its duty properly and independently.

An Hon. Member: Not everywhere.

Shri A. K. Sen: I said, by and large. We cannot generalise. Do not think that even in other countries everywhere there is complete perfection. I am very proud to say that our judiciary, by and large, has really settled a good tradition and commands the confidence of the public.

Why is it that the panchayat courts do not command the same confidence as our courts do? When I talk of panchayat courts, I could see my lawyer friends Shri Pande and Shri Tyagi shaking their heads. Why? Because they know as leaders of public life that these panchayat courts have not yet created a tradition for themselves, and it is only a tradition of good, fearless, independent and impartial adjudication that gives a court the respect that our courts command today. Why is it that our litigants prefer an ordinary court to a panchayat court? Even if they do lose a case, they know that they do not lose it unfairly. That is the feeling with which our litigants look upon our courts of law.

I, therefore, freely and completely associate myself with the demand raised on behalf of the House as a whole—I do not think there is a single dissentient voice—that we must bring about as quickly as possible a system that gives speedy and inexpensive justice to everyone. It is not a matter which can be achieved in one year or two years. We must not forget that administration of justice is primarily a State subject. Our resources are not so great and our demands are so large that justice today does not receive the same attention as a steel factory or a factory for producing fertilisers. In the scale of priorities possibly it occupies a much lower place today. Therefore, all the funds that are necessary to create this system may not possibly be forthcoming all at once. But let us hope...

An Hon. Member: We shall go on hoping.

Shri A. K. Sen: ....with the very comfortable surplus at our command we shall be able to do something better.

May I deal with the next point which is of importance, and that is the question of implementation of the Law Commission's Report. Hon. Members should recollect, no doubt, that—they know very well—the Law Commission has been functioning in a two-fold capacity. It functions as a permanent body for revising existing laws and statutes and also for recommending fresh laws. Secondly, it enquired into our judicial system and has submitted a very voluminous and laborious report containing recommendations for reform of our judicial administration covering a very wide field including appointments of Judges, both civil and criminal procedures and various other matters.

So far as the reports on the revision of existing statutes are concerned I wish to tell hon. Members that the work has been proceeding very very successfully. For instance, their second report was on sales tax. This has already been implemented by the Central Sales Tax Act of 1956. Their third report was on the Limitation Act. A Bill has been drafted and it is under consideraion of the Government. I personally feel, and I think my lawyer friends here will agree with me, that it is not very prudent to try to alter the law of limitation very readily. After all, the law of limitation has stood the test of time —like the Transfer of Property Act, the Evidence Act and the Penal Code. It is an extremely well drafted statute. It has served us very well. I personally think that basically there is hardly anything to change. Therefore,

I have myself not been very enthusiastic about bringing forward a legislation for recasting the law of limitation altogether. But the Bill is under consideration, the Bill prepared according to the report of the Law Commission.

The fourth report was about the proposal that High Courts should sit in separate Benches all over the State. With regard to that, as you know, the States are primarily concerned and the matter is still under consideration of the States. I do not suppose this is a matter which can be decided very quickly or there would be uniform views on this subject. This is a very controversial subject. If you locate it at one place, other places will start clamouring. We at once create a local hostility. If you put a bench in Banaras, there will be a demand from Dehra Dun. If you put one at Dehra Dun, people will think that Shri Tyagi has managed to get it and so Shri Braj Raj Singh will start a demand of his and say one should be set up in his part of Uttar Pradesh. It is only with regard to the bigger States that this problem arises and it is really difficult. I personally think that in order to set at rest all these local jealousies, we should stick to one place. Except in States where more than one bench would be necessary, say, for instance, the present Bombay—with benches at Nagpur and Bombay, and there have been high courts sitting in those places and serving those areas—I think it is rather risky to start establishing high courts in different places. So, this is a matter over which the delay in coming to a decision is fairly understandable.

16.26 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

The next report is about the Bill regarding the application of British statutes. We have sent it to all the States. A Bill has been drafted and sent to all the States. We have not yet received their considered views. This is the picture regarding most of the things. On many of the things, we have got a law. For instance, there is a law like the Sale of Goods Act which had been passed by the Rajya Sabha the other day. Some of the other measures have already been made into Acts. So, with regard to this part of the Law Commission's work, the work is permanent. The statutes are being revised and brought to Parliament from time to time after proper decisions are arrived at and then they are made into fresh laws.

With regard to the main reports, we have the report on the reform of judicial administration. Hon. Members will recollect that one of the main recommendations was the creation of an all-India bar. A Bill in respect of that has already been introduced and a Select Committee has been studying it. The Committee has completed its deliberations and we hope to make it into law in the course of this year.

There are other questions such as the amendment of the Civil Procedure Code and the Criminal Procedure Code which we have referred to the Law Commission for appropriate drafting. After the drafting is completed, we shall again consider them.

Then there are wider questions about the appointment of judges about which we have had many discussions last year. There were allegations that appointments are not fair, that appointments are made on extraneous considerations and various other things. I think there is hardly anything to be done about this matter.

Shri Tyagi: What is the procedure for the appointment of high court judges?

Shri A. K. Sen: The procedure is very simple. The Chief Justice of the State high court recommends the name to the Governor, and the Governor, on the advice of the Chief Minister, accepts the name or he may

[Shri A. K. Sen]

send another name. Sending of a different name rarely occurs. But if the Governor nominates another name, both the names are sent to the President through the Home Minister.

Shri Tyagi: Has the Law Ministry to do anything with the appointment? Has the Law Ministry nothing to do with it? Their opinions are not taken?

Shri A. K. Sen: The Law Ministry has nothing to do with the appointment of a high court judge, because there is the tradition from the old British days.

Shri Tyagi: Wrong tradition.

Shri A. K. Sen: From the old British days this has been going on in the matter of appointment of high court judges.

Shri Tyagi: The Law Ministry must be consulted.

Shri T. B. Vittal Rao (Khammam): This function should be taken away from the Home Ministry by the Law Ministry.

Mr. Deputy-Speaker: Order, order. Could they assume the powers now?

Shri T. B. Vittal Rao: We are suggesting.

Shri A. K. Sen: Then there was the other report of the Law Commission—the creation of a separate Ministry of Justice for the Central Government. The matter is still under consideration and no decision has been arrived at. It is really a matter not for me, but really for the Prime Minister, to deal with.

Shri Achar: The report practically says that there is a breakdown of the administration of law in the States. I read out that passage also. It is said that sufficient number of munsifs are not appointed. Things are accumulating and in two or three States, practically there is a breakdown of the administration of law. That is the report. I would like to know what the position is.

Shri A. K. Sen: It is not really for us, it is for the States. The hon. Member is a lawyer himself and he knows that it is entirely the concern of the States. Appointment of sufficient number of munsifs, it is not for us the Centre but it is for the States. They have to appoint more munsifs. I am very sorry to hear that there are certain States where there are not enough munsifs. In fact, as I said, in our scale of priorities today justice rather occupies a low scale. I have told you so. Otherwise, I suppose if there were less fertilizers, there would have been a cry, if there were less number of roads, there would have been an outcry.

Shri Achar: The Law Ministers' conference is being held every year.

Shri A. K. Sen: We have recommended that there should be enough judges to deal with the number of cases which come up before any court. That applies not only to the munsifs courts but also to the High Courts. I am one of those who has consistently pleaded for appointing larger number of judges everywhere, because when the work has increased you cannot achieve quick results by retaining the same number of judges. And it is a fact that there is a change in the pattern of litigation due to the Constitution and the creation of various bodies special, fundamental and otherwise. The work in all the courts has increased since our independence and, therefore, you cannot cope with the increasing volume of litigation with the same number of judges. I personally feel that it is not proper economy if we try to keep the same number of judges to deal with litigation. In that case, as Shri Tyagi has pointed out, people have to wait for 10, 12 or 15 years to have the fruits of their litigation. Only the other day, Dr. Siddhanta, the Vice-Chancellor of the Calcutta University,

told me that a professor was wrongfully dismissed from the Calcutta university. He filed a suit against the authorities. The man was almost a pauper and he led a very hard life, and it is after his death that the suit has been decreed in his favour. His children possibly have the benefit but the poor man had to wait for ten years and he did not get the fruit of his suit. I think it is a very sad commentary on a system which cannot bring the fruits of one's litigation to him during his own life-time.

An Hon. Member: What are you doing about it?

Shri A. K. Sen: As I said, we require sufficient number of judges. That is my own personal feeling ever since I have come, and I must say I have succeeded partially in having additional Judges appointed in almost every High Court. I claim a good deal of pride for that and I must pay a tribute to the Home Minister and the Prime Minister for their accepting the suggestion that there should be sufficient number of judges at every level. For the first time, after 1957 we have additional Judges all over the country—Allahabad, Punjab, Bombay, Calcutta, everywhere—and I must say that with the appointment of Additional Judges the arrears has been tackled much better than it was before 1957.

About the question of elections I only want to answer a little in detail to what Shri Sadhan Gupta had stated. Naturally, the memory of the elections in Kerala is still fresh in our minds, and possibly many of our views regarding the election machinery and the election law are coloured by our attitude towards the Kerala elections as such. And I do not want to blame anyone. One does get obsessed with recent events in which one takes a violent side and one tries to blame all sorts of things for either the reverse or the success, that one party has suffered or the other has gained. But I must say with confidence, and I think the whole House will agree with me, that notwithstanding the heat and passion of the elections in Kerala, one thing has been proved to the hilt, and that is the effectiveness and the efficacy of our election machinery, of our election law and the fair elections which they ensure. I have not heard one complaint against the impartiality of the Election Commission. There may be troubles as there are everywhere, but compared to the heat and passion which the elections in Kerala generated, I think the incidents there were far to insignificant. I think there were more incidents before the elections than during the elections in Kerala. I have no doubt that everywhere there will be tension and incidents during the elections.

I think the whole world now recognises that our election law and our election machinery are really model ones. They are emulated and followed in most countries in Asia and Africa today. Only the other day we sent one of our experienced election officers, the Deputy Chief Election Commissioner, to frame the law and to give them a bit of the experience which we have gained. It is not a matter of joke that an electorate of this magnitude is called upon every five years to elect representatives to the State assemblies and to the Parliament on the basis of adult suffrage. Nowhere in the world is there such a large electorate. Possibly there is a larger one in China but there there is not this rivalry between two, three or four parties. It is completely different.... *(Interruption)*

Sardar A. S. Saigal (Janjgir): The Chinese system is not like ours.

Shri A. K. Sen: But I think we have the largest electorate voting in a general election under the system of free elections and each party is free to abuse the other without infringing the election laws. I think our rigorous provisions designed to curb corrupt practices are strictly enforced. Many elections are set

[Shri A. K. Sen]

aside every time on the ground of technical corrupt practices. Take the election of Dr. Parmar for instance. It was set aside on a very technical ground of corrupt practice. Dr. Parmar never knew that the man who carried the nomination paper was technically a Government servant. He never knew that. It was admitted before the court. He never knew this yet his election was set aside. He was a valued friend of ours in this House, a good friend, a very pleasant personality, as you know. And he was disqualified. Mind you, not only was his election set aside but he was disqualified from standing again, I think, for three years. I do not think we shall find a parallel like this in many countries. In order to ensure a fair election we penalise even technical breaches of the rules regarding corrupt practice with such rigour and vigour.

Shri Sadhan Gupta: Not ex-communications?

Shri A. K. Sen: I am coming to it.

We have our law quite up-to-date and rigorous in regard to the influence which people may seek to bring to bear in influencing the electorate. That is section 123, sub-section (3). So far as the law is concerned, I would still like anybody to suggest any better provision. I do not see any defect in the law itself. If there was anything contrary to section 123, sub-section (3).....

Shri Sadhan Gupta: Sub-section (2).

Shri A. K. Sen: .....I do not see why appropriate steps are not taken in challenging any man who, according to my hon. friend, was influenced by religious considerations. It is no use agitating it here. It is for the election tribunal to decide it. We cannot decide it.

Shri Sadhan Gupta: What is the remedy if ex-communication comes afterwards?

Shri A. K. Sen: My learned friend is posing a question and answering it himself. Unfortunately in this country we have given the duty of adjudicating upon the existence or non-existence of corrupt practices to election tribunals. We have not taken upon ourselves the duty of adjudicating corrupt practices and very rightly so. How can we, divided by political considerations, divided into political parties and factions, take upon ourselves the duty of adjudicating whether a particular election has been vitiated by a corrupt practice or not? We have rightly given this duty to the election tribunal. If the hon. Member feels that any particular election has been influenced or vitiated by religious pressures, he should take appropriate steps.

Shri Sadhan Gupta: Not merely that. Here in the instance I quoted was a threat of ex-communication or actual ex-communication after the elections. In such cases future elections are bound to be affected for fear of future ex-communication. What I suggested was that this kind of thing should be penalised in the interest of free elections.

Shri A. K. Sen: I entirely agree with my hon. friend that there should be no fetter on one's conscience. At least our Constitution recognises no such fetter in the way of a man freely voting for one candidate or the other; and if a man tries to undermine that, he certainly does something completely repugnant to the spirit and letter of the Constitution. I am at one with my hon. friend on the other side, and if any such instance comes, I am sure appropriate action will lie in the civil court and criminal court.

Shri Sadhan Gupta: No.

Shri A. K. Sen: Of course, it will.

Shri Sadhan Gupta: Unfortunately, there is no remedy against it.

Shri A. K. Sen: I can say that if one's fundamental right is infringed by any one, he can certainly be restrained.

Shri Sadhan Gupta: There is no fundamental right involved here.

Shri A. K. Sen: I think there is a fundamental right to vote or support anyone one likes.

Shri Sadhan Gupta: No.

Shri A. K. Sen: If the hon. Member is afraid to go to a court of law....

Shri Amjad Ali: On a point of clarification.

Mr. Deputy-Speaker: He does not yield.

Shri A. K. Sen: As I am advised at present, if a man infringes upon my fundamental right to choose, or vote for, a candidate at a particular election, he really hurts and undermines my right guaranteed under article 19.

Shri Tyagi: Yes.

Shri A. K. Sen: If there is such a case, I cannot judge it, it is for the court to judge.

Shri Sadhan Gupta: Under which law?

Shri A. K. Sen: I have no doubt that appropriate action will lie.

Pandit Thakur Das Bhargava (Hissar): According to law, it is an offence to do so.

Shri A. K. Sen: I am coming to that; I said also under the criminal law. Under the criminal law, appropriate action will lie.

Pandit K. C. Sharma (Hapur): It is unlawful restraint.

Shri A. K. Sen: It is unlawful intimidation, not restraint. Anyway, I am not a court of law, and fortunately in this country these matters have to be adjudicated by a court of law and not by Parliament. We can only pass a law, and so I do not think....

Shri Amjad Ali: Would he offer a clarification? If somebody says that his religious rights have been infringed by a certain party, would it be a corrupt practice because it has got some religious bearing?

Shri A. K. Sen: Not religious rights. As the hon. Member knows, it must be civil action under section 9.

Shri Amjad Ali: Under section 123, if he says his religious rights have been infringed upon by a certain political party, will it amount to a corrupt practice?

Pandit Thakur Das Bhargava: No, it is not a corrupt practice.

Shri A. K. Sen: The language of that section is quite clear. It says:

> "The systematic appeal by a candidate or his agent or by any other person to vote or refrain from voting on the ground of caste, race, community or religion, or the use of or appeal to religious symbols, or the use of or appeal to national symbols such as the national flag, or the national emblem, for the furtherance of the prospects of the candidate's election."

He must appeal on the ground of caste, race, community or religion either to vote or refrain from voting, or appeal to religious symbols. If you appeal on the ground of religion: don't vote for a Communist",....

Shri C. K. Bhattacharya (West Dinajpur): Will you permit me to bring to the attention of the hon. Minister a placard that was issued by the Communist Party in Dr. Roy's election in Central Calcutta, in which an appeal was made to the Mussalman voters not to vote for Dr. Roy on the ground that they were being put under religious duress. I forget

[Shri C. K. Bhattacharya]

the exact Urdu word, but I have got the placard and the literature, and if required by the Chair, I can submit them tomorrow. This was exactly the language used that the Mussalman voters should not vote for Dr. Roy because the Congress had put them in religious duress, and put them in distress in other ways.

16.44 hrs.

[MR. SPEAKER *in the Chair*]

Shri A. K. Sen: Whether a Communist does it, or a Catholic does it, the law in this country is uniform, it applies to all equally, without favour, without prejudice, and with the same rigour. It makes no distinction between one caste and another, between one religion and another. If religious sentiments are sought to be roused and a person is asked either to vote or to refrain from voting on the ground of religion, that election will be vitiated. Whether Muslims do it or Communists do it or Catholics do it, that law is to be applied equally. The courts will have to do it, the Election Tribunal will have to do it. We cannot take upon ourselves the task of adjudicating, and rightly so. That is my submission.

And, as I say, if even after election, any man is said to be in jeopardy and his fundamental rights have been jeopardised, because he voted in a particular way, I have no doubt that a civil and criminal action will lie. If no such civil or criminal action has been brought, it means that those who are complaining have not enough evidence to substantiate in a court of law.

Shri Sadhan Gupta: It is a press report.

Shri A. K. Sen: The hon. Member knows that press reports are not admissible even in evidence.

Shri Sadhan Gupta: They are admissible in Parliament.

Shri A. K. Sen: I am talking of a court of law. How can Parliament adjudicate whether a man has been threatened or not? What right have we to adjudicate upon the alleged misdeed of a particular priest in a particular village?

Shri Sadhan Gupta: We can penalise.

Shri A. K. Sen: As I submit, the law is quite enough. It is a question of bringing somebody to the books according to the law prevalent. (*Interruption*).

Mr. Speaker: Order, order.

Shri A. K. Sen: I know the difficulties of proving it. Possibly the hon. Member will not get any witness from that community to give evidence against the priest concerned. But that is a difficulty which possibly the hon. Member will have to face if he has to punish a man for this offence.

Shri Sadhan Gupta: You want to continue it. That is all!

Shri A. K. Sen: As I said, I am at one with the hon. Member, because I come from a place where there are no Catholics, but there are other communities to whom religious appeal is sometimes so very fatal. And I am at one with the hon. Member in condemning any form of religious persuasion in the matter of voting, because we have seen the malign effects of it in the past in the part of India from which I come, and we have paid heavily for it by having to subject ourselves to the partition of our soil. That is a different matter.

Shri T. B. Vittal Rao: That is past.

Shri A. K. Sen: Whether it is in the future or not, there is no doubt about any of us supporting any such religious persuasion; certainly not.

Well, I am sorry that possibly a few votes have been lost to the Communist Party by—I may even take for

granted from what the hon. Member says—the persuasion of the press. But then, so long as a press is there, there will be persuasion one way or the other.

Shri Sadhan Gupta: I myself said that they are free to persuade, but not to coerce.

Shri A. K. Sen: Now, Sir, I think that finishes all the points that have been raised.

Shri M. C. Jain: Separation of judiciary from executive.

Shri A. K. Sen: As the hon. Member knows, that is really not our function. It is an accepted fact. It is a Directive Principle. It is a matter over which there is no controversy. It is being applied legally in most of the States, factually in the remaining States; and today it is no longer a matter on which there can be any debate. It is a matter of implementing it as fast as we can. But, as I explained on the last occasion, it is not a matter which can be implemented straightway You have to train enough judicial officers; because, up till now the same magistrate was functioning in the judicial as also in the executive capacity. If you suddenly have to divorce these two functions you have to have enough officers and train them, because training is more important. But that is being done quite fast. It is not a live subject in that sense. It is a matter over which every one is agreed, not only the Congress Party but all parties are agreed. And there is the Directive Principle in our Constitution.

Shri Sadhan Gupta: What about photographs of the electors?

Shri A. K. Sen: I am strongly in favour of it, coming as I do from a city where, I am very sorry to say, the art of impersonation has been almost brought to a finesse—I do not say by any particular group, but every group tries to be a past-master in the job, and it becomes a farce. And I have had it from very responsible communist party Members that they will be very glad themselves if in the heavily congested industrial areas we have some sort of check by way of identity cards.

Shri Sadhan Gupta: Every one would be glad.

Shri A. K. Sen: The hon. Member says that one lakh of voters have been disenfranchised. Why? The photographers are going morning and evening, and if they cannot find these people the only inference is that they do not exist and that they will exist only at the time of voting in the form of other persons coming and impersonating and voting. How is it that when you have made photographers available and they are going, they cannot find these people? I have got this complaint before. I am very glad that the hon. Member has raised it, because I have got briefing about this matter some time back. In a particular place we find that thirty members are in a house. The photographer goes there. And every time he goes he gets only ten or fifteen. On behalf of the other fifteen it is said "well, we have been disenfranchised". Why are they disenfranchised? All that they are asked to do is to possess an indentity card at the time they go and try to exercise their vote. And one has to subject himself to the application of the mark of an indelible ink, or one has to answer certain questions regarding his paternity and so on; but he has only to produce the card now.

I was being told by a very responsible member of the Communist Party the other day that he was present at the time of the elections in Indonesia some time back, and he was surprised to find the efficacy of the system of identity cards. Every man had an identity card, and the ballot papers were distributed overnight there before the date of the election, accordng to the identity card, and the

[Shri A. K. Sen]

man just came in the morning with his identity card and the ballot paper and put his mark on the ballot paper. I do not see any difficulty in the matter.

Why should there be any difficulties in people getting themselves photographed freely and getting a copy of their photographs free? We are not only photographing them freely, but as a matter of inducement we are giving one copy free to them.

I have myself gone and seen the photographing. I was told that women objected to being photographed. But I went to a very ordinary poor midleclass locality in Kalighat to see what objection there was. There were three or four photographers, and the Chief Election Commissioner, and I went there *in cognito*, so that it may not be said that people had gathered there to see me. I went from house to house, and I was most surprised that the women were coming out dressed in their best saris for being photographed.

Shri Tyagi: What does the Minister say to this? The election becomes unfair in the sense that men candidates can approach men only, whereas women candidates can approach both men and women. Therefore, the men candidates cannot approach half of the voters, because of the *purdah* system.

Shri A. K. Sen: There cannot be any *purdah* system at all. Shri Tyagi can come with me, and I am prepared to show him the actual position.

Shdi Tyagi: They are a privileged class.

Shri A. K. Sen: I am not talking of the villages, but I am talking only of the towns in which this system is there. Muslim women can be photopraghed by women photographers. I do not see any objection to that. Why should women object to being photographed by women photographers? It is no use saying that any man or woman has been disenfranchised. This is the best system of identifying the person who is on the roll and who comes to exercise his franchise.

Shri Tridib Kumar Chaudhuri (Berhampore): May I ask one question? Should there not be some finality in this matter? This election has been kept hanging for the last so many months. So, whether the photographers are able to photograph all the voters or not, at least it must be said that after a particular date, no photograph would be taken, and the election must be called for and arranged after that date.

Shri A. K. Sen: Shri Tridib Kumar Chaudhuri is perfectly right. His anxiety is very understandable. It has exercised my mind also.

Shri C. K. Bhattacharya: If I may be permitted to make one observation, I would submit that it has already been announced in the papers that the election is going to be held on the 2nd May, 1960.

Shri A. K. Sen: Is that so? I have not seen it. I am glad that it is so. In fact, I had a talk with the Chief Election Commissioner on several occasions on this. But I may tell my hon. friend Shri Tridib Kumar Chaudhuri that the delay was not due to photographing. On the contrary, the delay was due to the fact that after photographing started, as I anticipated, it was found that 40 per cent. of the rolls was absolutely incorrect. It was composed of men who had either died or had gone away or were just there without existing physically. And that was one of the proofs, if any proof were necessary, that photographing in these heavily congested areas was an absolute necessity. When photographing started, it was found that the rolls were incorrect to the extent of about 40 per cent. It was only then that the Chief Election Commissioner came to

me and told me that he was surprised himself that there was so much of inaccuracy. I told him that that was my own estimate from my own experience. And then, the order was made by notification for a revision of the rolls by house-to-house checking.

Shri Tyagi: Could not the roll number of the voter also be given on the back of the photograph, so that the candidate may be saved the worry?

Shri A. K. Sen: Yes, the photograph shows the roll number, because the person is photographed with his roll number. There is a board which is held by him or her, containing the roll number, and there is a photograph taken of the person along with the roll number on the board. I think it is a perfect system, and no reasonable man can take any objection to this system. That is the only way by which we can ensure fair elections.

Shri Rami Reddy: On a point of clarification. Does the hon. Minister intend extending the system to the whole of the country?

Shri A. K. Sen: I think the hon. Member will recollect what we said when the Act was amended, that this was intended to be applied where, according to the Chief Election Commissioner, due to heavy congestion in urban or industrial areas there was a great probability of impersonation being resorted to on a fairly large scale. As I said, in the rural areas, the problem does not exist at all. It is only where you do not know your neighbour that this becomes necessary. You are living on the ground floor: you do not know who is living on the first floor. It is only in those areas that impersonation takes place on a large scale and this procedure becomes a necessity.

श्री यादव : एक प्रश्न चुनाव के सम्बन्ध पूछना चाहता हूं । जो रिकागनाइज्ड राजनीतिक पार्टियां हैं उनको वोटर्स लिस्ट दी जाती है और जो अनरिकाग नाइज्ड राजनीतिक पार्टियां हैं उनको नहीं दी जाती । इसी तरह से चुनाव चिन्ह नियुक्त करने में भी उनके बीच भेदभाव किया जाता है । इसके बारे में मंत्री महोदय को क्या कहना है ?

श्री अ० कु० सेन : माननीय सदस्य जानते हैं कि इसके बारे में जो कानून बनाया गया वह सब की सलाह से बनाया गया था ।

श्री यादव : समझ में नहीं आता ।

अध्यक्ष महोदय : समझ में नहीं आता तो क्या करें ।

Enough has been said on both sides. Does any hon. Member want any cut motion to be put to vote separately?

Shri Amjad Ali: Nothing has been said regarding legal aid to the poor. Is anything being done on that account?

Shri A. K. Sen: I am very glad that Shri Amjad Ali has raised it.

I have answered this several times. A firm decision was taken at the time the Law Ministers met in the last conference, that we should proceed with the implementation of a good system of legal aid to the poor. Thereupon, the matter was investigated and various schemes were being made. We are now proceeding finally with the formulation of a scheme, which we intend to circulate to the States. In the meantime, it was decided that the States themselves would be sending their own proposals to us. I am very sorry to say that except the State of Kerala not one State has sent any proposal so far. Nevertheless, we are proceeding with this and we hope to be able to finalise our scheme very soon.

[Shri A. K. Sen]

Hon. Members will, no doubt, remember that this involves expenditure and it also covers a very large area in which the States are primarily concerned. Nevertheless, this matter is being given proper attention and we hope that some sort of a scheme will be finalised before long.

Shri Khushwaqt Rai: By the end of the Third Five Year Plan?

Mr. Speaker: Is it necessary to put any cut motion separately to vote?—I shall put all the cut motions to vote together.

The cut motions were put and negatived.

Mr. Speaker: The question is:

"That the respective sums not exceeding the amounts shown in the fourth column of the order paper, be granted to the President, to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March 1961, in respect of the heads of demands entered in the second column thereof against Demands Nos. 69 and 70 relating to the Ministry of Law".

The motion was adopted.

Mr. Speaker: Originally we had fixed 5 hours for this discussion. We started at 1 o'clock and were scheduled to sit till 6 p.m. to complete the discussion and voting on the Demands under the Ministry of Law. Is it the wish of the House that notwithstanding the fact that we have finished earlier we shall sit till 6 p.m.?

Some Hon. Members: No, no.

Mr. Speaker: Then, the House will stand adjourned till 11 A.M. tomorrow.

17 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, March 15, 1960/Phalguna 25, 1881 (Saka).

[*Monday, March 14, 1960/Phalguna 24, 1881 (Saka)*]

ORAL ANSWERS TO QUESTIONS . . . 5599—5634

S.Q. No.	*Subject*	COLUMNS
819	Central Information Service	5599—5604
818	Small and Medium Scale Industries	5604—05
820	Ancillary Industries	5606—10
821	Tin Plates	5610—12
822	Manufacture of Radios	5612—14
825	Sale of Scooters	5614—16
829	Indian Traders in Burma	5616—18
830	Price of Jute	5619—22
834	Medium and Small Fertilizer Factories	5622—27
835	Forward Market Commission	5627—31
837	Motor-cycle Factory in Mysore	5631—32
838	Export of Plastic Goods	5632—34
839	Export of Rayon and Synthetic Fibre	5634

WRITTEN ANSWERS TO QUESTIONS . . 5635—78

S.Q. No.		
823	Textile Mills Contribution to Provident Fund	5635
824	Indian Diplomatic Missions	5635—36
826	Ambar Charkha	5636
827	National Productivity Council	5636—37
828	Evacuee land in Punjab	5637
831	Delhi Transport Undertaking	5637
832	Employees' State Insurance Scheme	5637—38
833	Supply of printing paper	5638—39
836	Price of Cotton Yarn in South India	5639—40
840	Scheme of Compulsory Savings	5640
841	Small Scale Industries	5640—41
842	Condemnation of Chinese Aggression by Chinese in Calcutta	5641
843	Jute goods	5641—42
844	Janata Hotel in Delhi	5642

WRITTEN ANSWERS TO QUESTIONS—*contd.*

U.S.Q. No.	*Subject*	COLUMNS
1055	Import of Cosmetics	5642—43
1056	Unemployed Graduates	5643
1057	Medicated Tea	5644
1058	Explosion in Factory near Shahdra	5644
1059	Cottage and Small Scale Industries in Andhra Pradesh	5644—45
1060	Export of Tobacco to U.S.S.R.	5645—46
1061	Production of hand-made paper in Punjab	5646
1062	Slum Clearance in Kanpur	5645—46
1063	Unemployed in Delhi	5646—47
1064	Diversification of Production in Hindustan Machine Tools	5647—48
1065	Idle Capacity in Public Sector Industries	5648—49
1066	Chlorine for D.D.T. factories	5649—51
1067	Price of Brass and Copper sheets	5651
1068	Import of Cotton	5651
1069	"A Day at Zoo" and "Courtesy"	5652
1070	Development of hilly districts of Uttar Pradesh	5652—53
1071	Survey of Glass Industry	5653—54
1072	Employees State Insurance Hospital at Kanpur	5654
1073	Indo-Tibetan Trade	5654
1074	Textile Bobbin Enamels	5655
1075	Cellulose	5656—57
1076	Import of Sulphur	5657—59
1077	Phenol and Cresol	5660—61
1078	Emulsifiers	5661—63
1079	Hand Printing Industry	5663—64
1080	Work-charged Staff	5664—66
1081	Slum Clearance in Himachal Pradesh	5665
1082	Potassium Permanganate	5665—66
1083	Manufacture of Machinery	5666
1084	Heavy Industries for Bombay	5666—67
1085	Export of Iron Ore	5667

WRITTEN ANSWERS TO QUESTIONS—*contd.*

U.S.Q. No.	*Subject*	COLUMNS
1086	Import of Dyes and Chemicals	5667–68
1087	Dalai Lama	5668–69
1088	Records in Central Government Offices.	5669
1089	U.S. Trade Missions	5669–70
1090	N.E.P.A. Mills	5670
1091	Women's Programmes on A.I.R.	5670–71
1092	Technical Training Centres, Punjab	5671
1093	Cotton cloth	5671
1094	Bamboos	5672
1095	Displaced Persons from East Pakistan	5672
1096	Lajpat Rai Market, Delhi	5673
1097	Import of Tyres	5673–74
1098	Fees for talks on A.I.R.	5674–75
1099	Visas for Sylhet	5675
1100	Shifting of NEFA offices	5676
1101	Co-operative Industrial Estate at Ujjain	5676–77
1102	Waste from Leather Industry	5677
1103	Tea Estates of Foreigners in India	5677
1104	Employees in the Offices of Ministry of Rehabilitation	5678
1105	Cantonment Board Employees.	5678

MOTIONS FOR ADJOURNMENT . . . . 5679—97

The speaker withhold his consent to the moving of the following adjournment motions given notice of by the members shown against them :

(*i*)	Suspension by the Governor of Bombay of the sentence passed by the Bombay High Court on Commandor K. M. Nanavati.	Notices by Sarvashri Rajendra Singh, Surendranath Dwivedy, Narayan Ganesh Goray and Hem Barua.
(*ii*)	Resignation by the Committee of Inquiry appointed by the Vice-Chancellor of Aligarh Muslim University.	Notice by Shri Rajendra Singh.

COLUMNS

PAPERS LAID ON THE TABLE . . . 5703—05

(1) A copy of each of the following Reports :

(*i*) (*a*) Annual Report of the National Instruments (Private) Limited for the period from the 26th June, 1957 to the 31st March, 1958 along with the Audited Accounts, under sub-section (1) of Section 639 of the Companies Act, 1956.

(*b*) A Review of the working of the above Company.

(*ii*) Annual Report on the activities of the Coir Board for the year 1958-59, under sub-section (1) of Section 19 of the Coir Industry Act, 1953.

(2) A copy of each of the following Notifications :

(*i*) G.S.R. 220 dated the 27th February, 1960, making certain amendment to the Companies (Central Government's) General Rules and Forms, 1956, under subsection (3) of Section 642 of the Companies Act, 1956.

(*ii*) G.S.R. 274 dated the 5th March, 1960 making certain further amendment to the Coffee Rules, 1955, under sub-section (3) of Section 48 of the Coffee Act, 1942.

(3) A copy of Notification No. Jud. 26/59 published in Assam Gazette dated the 27th January, 1960, under sub-section (3) of Section 133 of the Motor Vehicles Act, 1939, making certain further amendments to the Motor Vehicles Rules for Excluded Areas, Assam, 1942.

MESSAGES FROM RAJYA SABHA 5705

Secretary reported two messages from Rajya Sabha that Rajya Sabha had no recommendations to make to Lok Sabha in regard to the following Bills :

(*i*) The Appropriation (Railways) Bill, 1960, passed by Lok Sabha on the 7th March, 1960.

(*ii*) The Appropriation (Railways) No. 2 Bill, 1960, passed by Lok Sabha on the 8th March, 1960.

PRESIDENT'S ASSENT TO BILLS 5706

COLUMNS

Secretary laid on the Table the following Bills passed by the Houses of Parliament during the current Session and assented to by the President since the last report made to the House on the 8th February, 1960 :

(i) The Appropriation Bill, 1960.

(ii) The Imports and Exports (Control) Amendment Bill, 1960.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE . 5706-07

Shri M. C. Jain called the attention of the Minister of Education to the suicide reported to have been committed by a student in St. Stephen's College hostel, Delhi on the 17th February, 1960.

The Minister of Education (Dr. K. L. Shrimali) made a statement in regard thereto.

COLUMNS

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE—*contd.*

DEMANDS FOR GRANTS 5707—5818

The Demands for Grants Nos. 69 and 70 in respect of the Ministry of Law were discussed and voted in full.

AGENDA FOR TUESDAY, MARCH 15, 1960/PHALGUNA 25, 1881 (SAKA)—

Discussion on Demands for Grants in respect of the Ministry of Education.

GMGIPND—LS II—415 (Ai) LSD—27-3-60—950